

STENOGRAPHIC REPORT
OF THE
"TRIAL" of L. C. FRAIN



TWENTY-FIVE CENTS

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Communist Party of America, 1920

STENOGRAPHIC REPORT OF THE "TRIAL"
of
LOUIS C. FRAIN

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P R I C E 25 C E N T S.

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INTRODUCTION.

This pamphlet contains the stenographic report of the "trial" of Louis C. Fraina, International Secretary of the Communist Party, who on the eve of his departure for Europe as a duly accredited delegate to the Third International, was accused of being an "agent provocateur," by Santeri Nuorteva, Secretary of the Russian Soviet Bureau in this country.

The statement issued by Nuorteva on June 10th was not the first time that Nuorteva came out openly with this charge. Right after the raids upon the Communist organizations in January he issued a statement to the same effect without, however, mentioning any names. At that time the Central Executive Committee of the Communist Party issued a signed statement in answer, which was printed in the "Call," under the caption: "COMMUNISTS SAY NUORTEVA ERRED." We reproduce the statement below in full:

"The Central Executive Committee of the Communist Party has before it the following statement published in the capitalist press by Santeri Nuorteva:

"There also appears to be another reason for the desire to deport us. We have conclusive evidence that agents of the Department of Justice have actively participated in the organization of the Communist Party of America and that those very planks in the program of the party which now form the basis of the prosecution of thousands of people have been inserted into that program by such government agents.

"The implications in this charge are that there are in our program clauses which have been particularly framed to lay us open to attack, and, secondly, that agents of the Department of Justice were among our program committee.

"The Central Executive Committee of the Communist Party is convinced that it is only necessary to point to the method by which our program was framed and adopted to demonstrate that the first charge is untrue, and is the effort of an enemy of the Communist Party to discredit it before the working people of this country.

"Our convention elected a program committee of nine members, being those delegates which the convention considered best grounded in Communist principles. This committee took several days to study every phrase in the program which it finally presented to the convention. The convention of 125 delegates carefully scrutinized the program recommended for adoption. Word by word and line by line it was weighed by the convention. The convention made many changes both in the language and principles of the program, before it gave its final approval.

"No one who studied the program thus adopted has dared challenge it. No one has dared say that it is not a Communist program in entire harmony with the principles of the Communist International. Even Nuorteva dares not say that. If it be admitted that our convention of 125 delegates, after careful scrutiny and study adopted a truly Communist program, what remains of Nuorteva's charges?

"The Central Executive Committee of the Party is also able to throw light on the second point in this charge. Some six or eight weeks ago the charge that a certain official of our organization was an agent of the Department of Justice, was brought before a section of the Central

Executive Committee. After every opportunity to present evidence, of which a stenographic report was made, it was the unanimous decision of the members of the Central Executive Committee present that the comrade in question had been completely exonerated. This decision was later concurred in by members of the Executive Council, who read the stenographic report.

"The charge made by Nuorteva seemed carefully calculated so that it would reach the workers of America at a time when our party organization was obliged to meet the full weight of an attack by black reaction, with its press suppressed and the channels for reaching its membership temporarily destroyed. An attack of this character is a betrayal of the interests of the working class movement.

"The integrity of our party remains unchallenged in spite of this stab in the back. No party member will leave us because of this charge, and we are certain that the test of our past and future action will convince the workers of America that our party represents the revolutionary workers., will rally to its support."

Note the headline given by the Call to the statement of the Communist Party—"COMMUNISTS SAY THAT NUORTEVA ERRED," and the headline given to Nuorteva's statement, "FRAINAS IMPLICATED AS U. S. AGENT." In the party's statement it is stated specifically that Nuorteva is an enemy of the Communist Party, and that his charges are a plot against the party to discredit and destroy it. But the "Call," counter-revolutionary sheet that it is, shamelessly distorts the whole import of the statement by its headline. While in Nuorteva's charge, which he himself does not pretend to believe, but merely "offers" as the statements of a self-confessed "spy," whose word he himself distrusts, as stated by him in the minutes, the "Call" again shamelessly prints a headline which indicates that Fraina is a "police agent," a fact which the "Call" very well knows has yet to be proven, and which is disproven in the very text of the statement it printed. Nuorteva and the "Call" are accomplished scoundrels who know how to breed the seeds of distrust and suspicion against its political opponents.

With the publication of our answer to the charge made by Nuorteva at that time, the Communist Party considered the matter closed. Since Fraina's name was not mentioned openly we felt that the publication of the stenographic minutes would be beside the mark; besides, Martens himself was under investigation as being implicated in revolutionary activities in this country, which he strongly denied, and the publication of those minutes would have helped the Government to deport him.

But on June 10th, Nuorteva broke his five months' silence and issued a statement, apparently in answer to Palmer, in which, though he states that he scrupulously refrains from making any direct charge against Comrade Fraina, is in effect nothing but a repetition of the old charge which had been investigated and found untrue.

The charges against Comrade Fraina, as printed in the "Call" are as follows:

1. Peterson (a spy of the D. J. and a "friend" of Nuorteva) "had seen Fraina in the New York office of the D. of J. under circumstances indicating that he must be one of the agents of the department."
- 2) "Certain information regarding communication with Moscow conveyed to Fraina which could not have been in the possession of anyone else outside of our office became known to agents of the D. of J."
- 3) Peterson reported "that he had seen in the files of the N. Y. office of Palmer's department a returned pay-check endorsed by L. Fraina."
- 4) Peterson "asserting in the face of Fraina that he was the man whom he had learned to know as an agent of the Department of Justice."

5) "While other members of Fraina's group were being arrested at that time nothing happened to Fraina himself."

6) "Fraina left (for Europe) in company with one Nosovitzky, a Russian doctor in the employ of a British steamship line and obviously a police agent."

7) "The letter (from Rutgers to Martens) could only have gotten into Mr. Palmer's hands through Mr. Fraina or Dr. Nosovitzky."

8) "Palmer is in possession of all reports from that conference (Amsterdam Conference) which was supposed to be a secret one," and where "no one from America was present except Fraina and Nosovitzky."

The main charges against Fraina are contained in Nos. 1, 3, and 4.

As a study of the minutes will disclose, these charges have been proven to be absolutely false, contradictory and unreliable. We print herewith a copy of the resolution adopted by the Executive Council relative to those charges:

"Chicago, Ill., December 17th, 1919.

"The members of the Executive Council of the C. P. of A. have carefully examined the stenographic report of the hearing of the charges against Louis Fraina, International Secretary of the Party, which report is attested by six New York members of the C. E. C., and declare that the charges have no basis in fact.

"As to the specific dates mentioned by the informer, the members of the Council can state from personal knowledge that Comrade Fraina was in the city of Chicago until late at night on Sept. 7, and that on Nov. 14 and 15 he was in the city of Chicago on party business.

"The Council is unanimous that not the slightest taint of suspicion attaches itself to Comrade Fraina as the result of this charge, and declares its faith in him as loyal and trusted comrade unshaken. All the circumstances in the case point to a plot against the Communist Party.

"The Council is in full agreement with Comrade Fraina's continuance of his work as International Secretary, and requests officially, as the representative of the C. P. of A. that he be received as its official representative."

WHO IS PETERSON?

In order to understand the nature of the plot against the Communist Party through charges against one of its leading figures, it is necessary for the readers to know who this man Peterson is, and what connections he had with Nuorteva before the Bureau came into existence.

Says Nuorteva in the "Call": "Peterson was employed to get information from the Russian Soviet Bureau after several unsuccessful efforts had been made by Palmer's department. Peterson had been employed by a Finnish Socialist Newspaper with which Nuorteva had been connected."

The inference here given is that Peterson might have been employed in some minor capacity on the same newspaper of which Nuorteva had once been editor. And in view of Nuorteva's answer that he had never seen or met Peterson in his life before he came to the Bureau as a D. of J. agent, the inference is also given that Peterson did not work on the paper at the same time with Nuorteva.

But what are the real facts as disclosed in the minutes themselves? Peterson was manager of the Finnish Socialist newspaper of which Nuorteva was editor; Nuorteva used to receive his reports regularly as editor of the paper.

IS IT POSSIBLE FOR THE MANAGER AND EDITOR OF A PAPER NOT TO HAVE EVER SEEN EACH OTHER IN THE COURSE OF THEIR ACTIVITIES?

Doesn't Nuorteva LIE when he says that he never met the man before he came to him as a D. of J. agent in the latter part of July 1919?

In answer to a question Nuorteva admits that sometime in June he made inquiries about Peterson among the latter's friends. WHY?

Is it conceivable that Nuorteva or any man would make inquiries about a man whom he had never met for no reason whatsoever?

PETERSON ADMITTED THAT HE JOINED THE D. OF J. ONLY AFTER CONSULTING NUORTEVA, AND UPON NUORTEVA'S ADVICE.

PETERSON ADMITTED THAT NUORTEVA HAD HELPED HIM MAKE OUT HIS RECORDS TO THE D. OF J.

PETERSON ADMITTED THAT NUORTEVA HAD OFFERED HIM \$1,000 TO GET EVIDENCE AGAINST FRAINA.

PETERSON ADMITTED THAT HE RECEIVED \$160.00 FROM NUORTEVA, WHICH NUORTEVA LATER ATTEMPTED TO REIMBURSE HIMSELF FOR FROM THE BUREAU TREASURY (if this money was given for "purely humanitarian reasons," and not for SERVICES RENDERED, why did Nuorteva present the bill to Martens to be paid?). NUORTEVA ADMITS THAT PETERSON WAS A GUEST AT HIS HOME AND OFFICE ON NUMEROUS OCCASIONS AND "EVEN TRIED TO INVITE NUORTEVA TO SPEND HIS SUMMER VACATION WITH HIM AT HIS (i. e. THE UNITED STATES GOVERNMENT'S) EXPENSE." All this after Nuorteva knew his identity as a spy and after he himself stated: "I kept myself on my guard even against the possibility of his having been instructed by the Department of Justice to reveal to me his identity of a spy and to offer me 'inside information' in order to mislead me into some dastardly plot engineered by his ilk."

STRANGE FRIENDSHIP BETWEEN THE SECRETARY OF THE RUSSIAN SOVIET BUREAU AND A "SELF-CONFESSED SPY WHO COULD NOT BE TRUSTED!"

Does not the foregoing point to something more than Nuorteva so glibly talks about? Does not it seem that both Peterson and Nuorteva were engaged in some work of a secret nature, say, plotting against the Communist Party, by attempting to keep Fraina from going on his party mission to Europe?....

HOW THE CHARGES AGAINST FRAINA DEVELOPED.

According to the testimony, this man Peterson read in a Finnish Socialist paper about the split in the S. P. and the conventions of last year in Chicago with an innuendo about Fraina's activities in splitting the S. P. as the work of an "agent-provocateur." Peterson was already a member of the D. J. on the advice of Nuorteva, since some time in June or July (both Nuorteva and Peterson contradict themselves as to just when Peterson joined the Department). With this as a basis, for Peterson admits that he had never attended a meeting at which Fraina spoke, or had otherwise seen Fraina at any time in his life,—Peterson conceived the idea that Fraina must be working secretly for the D. J. He claims he inquired of his chiefs and one of them admitted it and the other one denied it. He claims he even told Nuorteva about this accusation in the Finnish paper at his (Nuorteva's) home. As if Nuorteva doesn't read that Finnish paper! Peterson admitted that the editor of the paper in question came to Nuorteva's house, that he met him there once, so the charge in the Finnish paper was not unknown to Nuorteva. It is even likely that instead of Peterson showing this article to Nuorteva, it was Nuorteva who showed the article to Peterson.

From then on, begins the so-called Petersonian testimony about Fraina's appearances in the D. J. and his having seen checks signed by Fraina in the N. Y. office of the D. J., through the kindness of the girl in charge of the files.

Peterson claims that he saw Fraina three times in the D. J. All three times he was dressed alike. All three times he was going out of his chief's private office. In the first place, no sane man could possibly have been dressed alike on those three occasions. September 7th was

one of the hottest days of last summer. Fraina could not possibly have worn a winter overcoat with a black velvet overcoat and a black velour hat. Nor was it likely that a man could have been wearing this costume in New York between October 1st and October 15th, the second time Peterson claims to have seen him.

Then again, there is the absolutely verifiable testimony that Fraina attended the Communist Convention on September 7th in Chicago. How could he possibly be in Chicago and New York at the same time?

As to the second time, Peterson refuses to specify any date other than the vague, general one of "sometime between Oct. 1st and Oct. 15th. But the third time Peterson claims to have seen Fraina at the N. Y. Department of Justice was on November 3rd. Peterson gave this date after consulting some private papers. Yet, under cross-examination, Peterson changed the date from Nov. 3rd to November 15th, also after consulting some private papers. Under still further cross-questioning, he again reverted to November 3rd. Such testimony is absolutely unreliable and contradictory. But what are the facts? On November 15th, Fraina was in Chicago attending a meeting of the Central Executive Committee of the Communist Party and can be verified from the testimony of fifteen members of the C. E. C. and the official records of that meeting. On November 3rd, Fraina was in New York on a leave of absence, attending to some business of his relative to his trial in Lawrence, Mass. and was in bed sleeping in the morning in question, as is his habit of mornings, as all his friends can testify.

What is to be said of such testimony which is absolutely contradicted by the facts on the two occasions which Peterson specifies? Obviously it is trumped-up.

PETERSON AND THE CHECKS.

But there is still another item which Nuorteva and Peterson both insist is damning proof of Fraina's guilt. Peterson saw checks signed by Fraina reposing in the files of the D. of J.

Let us examine the reliability of this bit of evidence. Peterson admits that he was himself under suspicion at the D. of J. He admits that from the very beginning another "spy" was living with him (the same man who framed Kaplan and Schmidt) with instructions to watch him. Obviously Peterson, a mere special agent, distrusted from the beginning, could not have been on such good terms with the officials in the D. J. as to permit him the opportunities he boasts of. But even assuming it was so—what proof is there that these checks were signed by Fraina? Peterson admits that agents never sign their names to any documents or checks—merely their secret numbers. Peterson admits that the girl in charge of the files told him that Fraina was paid in Washington, but that some of his checks were paid in New York. A fishy statement in itself. Checks are either paid in one place or the other. Anyone even superficially acquainted with official government red tape knows that such laxity is inconceivable in any governmental department. But again, let us assume it was so. Who has seen these checks? No one but Peterson! And the story of Peterson's filing of those checks from the files, his arrest AFTER HE HAD ABSTRACTED THE CHECKS AND REPORTS AND HAD TAKEN THEM HOME, sounds very much like a Baron Munchausen story. He could have secreted those checks and reports—he could have evaded the agents sent to arrest him if he had taken the slightest precaution. There is no record of his arrest. There is no record that Peterson and Nuorteva made the slightest arrangements to have those checks and reports photographed (which requires a special process and should have been arranged for beforehand)—there is no record except the unsupported and contradictory testimony of a self-confessed "spy" and one who was himself under suspicion both by Nuorteva and the D. of J.

THE REPORTS.

Peterson claims that some of Fraina's reports for November, 12, 13, 14 and 15, were typewritten and some were handwritten. He claims to have read these reports which had absolutely nothing to do with the activities of the Socialist Party but with some "sub-agents of Fraina," one operating in Boston, and in the good graces of the Amalgamated there, one in Philadelphia in connection with the steel strikers and one in Washington, D. C. What in the name of commonsense had this to do with the S. P.? Why was an agent of Fraina's in Washington, D. C.? Surely we had no branch of the Left Wing or the Communist Party in that city!

Then again, take the Nov. 15th report. Peterson claims that he saw Fraina on the morning of the 15th in the D. of J. which one of the reports purports to deal with. How could Fraina be in the D. of J. and hand in a written or typewritten report for that same day? If he was in the D. of J., obviously he had no report to make dealing with activities elsewhere on that same day. The whole thing sounds so fishy that even probably, Peterson was himself imposed upon by the D. of J. by some one posing as Fraina in the employ of the D. of J. We are inclined to believe, however, that if some one was posing as Fraina, he was perhaps in the employ of Nuorteva—just as Peterson was.

Why did Peterson say that after November 15, "things became critical"? What did he mean by that remark. It was certainly no chance remark but an unintentional one revealing that Peterson was in the confidence of Nuorteva with reference to Fraina's appearance at the Bureau for credentials to facilitate his mission as a delegate of the Communist Party to the Third International. The whole thing about the checks and reports seem to have been concocted just about the time between Fraina's first and second appearance at the Bureau in reference to the credentials.

NUORTEVA'S CIRCUMSTANTIAL EVIDENCE.

Nuorteva gives the implication that Fraina must have been an agent of the D. of J. because while others of his comrades were being arrested Fraina himself was permitted to leave the country. That between Fraina's first and second appearance at the Bureau he went about openly. That the D. of J. could have laid hands upon him any time they chose to.

This is not true. In the first place, up to the Nov. 7th raids in New York City, every member of the Communist Party worked openly. After those N. Y. raids only the N. Y. comrades were driven to cover. The National Headquarters in Chicago were open up to January 2nd, the day of the nation-wide raids, when Fraina was already in England or Holland.

After Nov. 20th, when Fraina left Chicago, he went into hiding in New York City for he was then being sought together with other prominent New York members of the party. The D. of J. did not know or whereabouts when he was in New York the last time—and previously to that no member of the party was being sought so Fraina was no more an object of the D. of J.'s attention than the others. Had they known of Fraina's whereabouts at that time, they would have known the whereabouts of other indicted comrades who are still being sought for. The implication in this charge is intended to reflect not only against Fraina but his colleagues as well. This is a dastardly and well-known trick of the enemies of the Communists in Europe—to cast suspicion upon the leaders in order to destroy the confidence of the rank and file

NOSOVITZKY.

The fact that Fraina left for Europe in the company of Dr. Nosovitzky, whom Nuorteva charges with being "obviously a police-agent" (but against whom no such charge has been proven—although the party itself is investigating this same Dr. Nosovitzky) adds nothing to the "evidence" against Fraina, even if the unsubstantiated Nuorteva charge were true. The arrangements for Fraina's departure with Nosovitzky were made entirely independent of Fraina—and Fraina had no knowledge how or with whom he has to go until notified.

RUTGERS LETTER TO MARTENS.

Nuorteva makes much of a letter sent by Rutgers to Martens which in some unknown manner found its way into the hands of Palmer. Certainly there was no reason for any opponent of the Soviet Bureau to turn it over to Palmer for the matter contained in it tended, if anything, to exonerate the Bureau and Martens of any revolutionary activities in this country. Secondly, it is quite likely that there is a "leak" in the Bureau itself, for a number of Bureau documents have got into the hands of the D. of J., documents which no member of the Communist Party could have had access to. Nuorteva works on the assumption that no such possibility exists. However, in view of the D. of J.'s attempts to place "spies" in the Bureau, there is such a likelihood.

THE AMSTERDAM CONFERENCE.

Another charge is that "Palmer is in possession of all reports from the Amsterdam Conference which was supposed to a secret one, and where no one from America was present except Fraina and Nosovitzky." This charge is easily disposed of by the fact that the Amsterdam Bureau published the transactions of the Conference and has since become public property. It was no difficult matter for Palmer to get one of those copies for they were sent through the mails to this country.

SUMMARY.

Summarizing the so-called evidence submitted by Nuorteva, the whole thing seems to be a plot directed against the Communist Party engineered by Nuorteva himself, by discrediting one of its founders and active workers. Primarily, the charges were made against Fraina, seven months ago, in order to keep him from getting connections in Europe and thus keep him out of Russia. The reasons are obvious. Fraina, as a delegation of the Communist Party, was instructed to take with him resolutions bearing on the Soviet Bureau's activities in this country. Nuorteva determined to keep Fraina and the Communist Party's attitude as expressed in the resolutions from reaching Moscow. Therefore the last minute frame-up against Fraina. Certainly, if Nuorteva had any real evidence in his possession prior to Fraina's sailing—he could have submitted it to the C. E. C. of the Communist Party, which would then itself have acted and acted promptly. Why did not Nuorteva submit any evidence he had to the party which has sole jurisdiction over its members. Any man who had any sincere desire to keep the revolutionary movement free from "spies" would have taken this step.

Anyone reading the minutes of the trial printed herewith will certainly find sufficient discrepancies, sufficient lies told by both Nuorteva and Peterson, sufficient contradictions to warrant the belief for any man to submit such a charge openly against a leading figure of the Communist Party can be the work only of a mortal enemy of the Communist movement—or one who would not stop to the vilest depths to discredit and destroy it. Santeri Nuorteva convicts himself of this filthy contemptible crime against the Communist movement in this country.

The minutes speak for themselves. We are confident that every unprejudiced reader will come to the same conclusion.

The Minutes of the "Trial".

WEINSTEIN: On the question of Dr. Nosovitzky's presence. I don't see any reason for his presence here. He is not an official of the party. He does not hold any official post in the party. He may have been charged with some affair, he may have been instructed by the officials of the party, but it is up to the officials of the party to tell him whether he should fulfil the order or not. He has nothing to do here.

HOUDIN: I would like to find out which party does he mean?

WEINSTEIN: C. P.

rade Weinstein does not know what instructions the Doctor received from the C. P. He is not competent to know what the Doctor was instructed to do.

WEINSTEIN: He told me,—not only to me, but in the presence of our comrades that he was ordered by the Executive Committee or the C. P. to meet a person here and to take him abroad.

NOSOVITZKY: I ask the comrade under what circumstances and how I told him when I made the statement, and why, if he knows that.

WEINSTEIN: The order was given by Comrade M. to him to stop the going away of the comrade. This comrade came to our office, not summoned by anybody. He came to our office and told me that that man was in his charge, and that he could not leave that man without accompanying him. Such were the orders given to him by the Executive Committee so far as he told us.

HOUDIN: Comrade Weinstein only knows that which the Doctor told him, but does not know the instructions of the C. P. received by the Doctor other than that told by him. Therefore, I again state that he has no grounds on which to keep this man out. Then why waste time? We know what the C. P. wants, he does not.

LOVESTONE: The whole matter is irrelevant. It is immaterial whether Weinstein knows about it or not—we will make it our business that he does not. No one here is on the defensive or on the offensive. As long as we think we must have a certain individual present, he should be here. Why—this will be shown in the course of the debate. It is not up to you to decide what is necessary for us.

FRAINA: There are two members of the Executive Committee of the Communist Party here. It is not the business of Comrade Weinstein to protest against it. If there is any protest coming it should be made by them. It is not the business of any one else.

BITTLEMAN: I don't understand why Weinstein objects. If he consents to my presence here and to the presence of the other comrades, it is because he thinks it necessary for the transaction of this meeting, and if we think it necessary for the Doctor to be present, this is all right.

Motion by Nuorteva and M. to drop the matter, not passed.

WEINSTEIN: The Doctor in my opinion is not a reliable comrade.

*This is an error. Nosovitzky never was, and is not now, a member of the Communist Party. (Editor.)

I had occasion to convince myself of the charge I am now making. He was ordered to deliver a package to our Bureau, and he did not deliver it. Furthermore, I object to his presence here—(interruption).

HOUDIN: I want to know from Comrade Weinstein what became of the package in question?

WEINSTEIN: I don't want to know anything, but he... (interruption).

HOUDIN: I still insist upon an answer from Weinstein. I wish to know whether he knows what became of this particular package?

WEINSTEIN: I decline to answer.

FRAINA: Hartman, when I found that Weinstein had categorically stated that Nosovitzky was unreliable, did not I one evening last week inform you of the arrangements that Doctor Nosovitzky was making for me?

HARTMAN: Yes.

FRAINA: Did not I ask you to inform Comrade M. of the Bureau that Dr. Nosovitzky was making arrangements for me, and that I wanted Comrade M. opinion as to whether it was alright and reliable for me to proceed with those arrangements?

HARTMAN: Yes.

FRAINA: I want you to state what answer you received from Comrade M.?

HARTMAN: As nearly as I remember, the words, Comrade M. said: "I don't see any objection to the man." I think, that was essentially his remark.

There followed a short conversation on the disagreement between Comrade M. and Dr. Nosovitzky, which was not, I believe, considered essential to the answer.

CHAIRMAN: The objection was made here only by Comrade Weinstein. Subsequently Comrade M. and Nuorteva made a suggestion that the matter be dropped. Unless you are interested in keeping up this matter, I don't see any reason why it should not be dropped.

FRAINA: When it concerns a matter of that sort he is not reliable, but when the safety of a member of the C. P. is involved he is reliable.

LOVESTONE: If reliability is a test, I want to say that I will have to face people who are not reliable. It goes with very bad grace for people to charge others with being unreliable and then beat around the bush...

HOUDIN: From what Comrade M. stated at yesterday's meeting I am perfectly satisfied that this is not a meeting of sides, but that it is a meeting of comrades to find out, if possible, whether a certain charge against a comrade is true or untrue.

At the suggestion of the chairman and with the consent of all, save Comrade Weinstein, the matter was dropped.

WEINSTEIN: My objection stands.

CHAIRMAN: It would seem to me that the proper thing now would be to state the subject matter of the discussion, as at a preliminary convention a request was made that there should be a typewritten statement of the matter.

NUORTEVA: (interrupting) We have no typewritten statement, but a hand written, the reason is that there was no typewriter to be had. There are, however, two manuscripts.

One copy handed to Houdin.

NUORTEVA: The statement is a resume of various statements made to me and Weinstein by a man who is here, and ready to face Comrade Faina and submit to cross-examination. The charge is that Faina was in the service of the Department of Justice. This statement contains the list of his statements, several other points are omitted, but they

are not essential. The statement was made in the first person, as stated by the informant.

The following statement was then read into the record.

RESUME OF STATEMENT MADE TO S. N.

Sometime early in September I happened to read in a Finnish newspaper issued in Massachusetts, an article dealing with controversies in the Socialist movement, in which article, which especially dealt with Louis Fraina's activities in Boston, a suggestion was made that Fraina might be a government agent. Because I was anxious to know who were agents of this kind, I kept an eye on people who were coming to the office of the D. J.

During a talk with Davis, in charge of investigation of radical activities, I asked in a roundabout way whether Fraina was in the service of the D. J. Davis gave evasive replies, without denial, and I got the impression that Fraina might be in their service. I told N. about it, but he laughed at the suggestion, saying there could be nothing to it.

On or about September 7th I met on the staircase which is used by special agents only, a man whose remarkable appearance caught my attention and who also, on meeting me, appeared to take particular notice of me. He had on black, close-fitting overcoat, with a velvet collar; a black, plush hat; large gold-rimmed glasses. His height was about five feet six or seven inches. His face was broad at the top, narrowing down to a pointed dark beard. He had a dark moustache. He was of rather slender build.

Sometime later, about the middle of October I saw the same man coming out of Flynn's office. He was putting on his hat, and I noticed that his hair was of a sandy dark color. He looked at me with a jerky backward movement of his head and went out. Thinking that he might be Fraina, I asked Tucker immediately what Fraina looks like. Tucker vio at that time occupied the same position that Davis occupied earlier, gave me a description which corresponded to the man I had seen on the stairs and coming out of Flynn's office. I then asked whether Fraina was working for the D. J. and Tucker, without hesitation admitted that he was. Upon a previous occasion I had asked Scully whether Fraina was working for the D. J., and he vigorously denied it. (Scully is the chief of the radical investigation division. Tucker and Davis are his assistants.)

Later I told Scully that Tucker had admitted Fraina's connection with the Dept., and Scully called in Tucker and asked him if he told me this. Tucker admitted that he had done so and Scully bawled him out and said it was none of his (Tucker's) business. Then Tucker tried to make light of what he had told me, saying that he was only joking.

About the middle of October I asked the girl in charge of the files: "Where does Fraina get paid; here or in Washington?" She answered: "In Washington, D. C." But she also said that she remembered that there was a check endorsed by Fraina in the New York files. She showed a check drawn by G. F. Lamb on the Lawyers' and Attorneys' Guarantee Trust Co. to the order of "bearer," for, as I remember, one hundred and forty dollars. The check was dated September tenth. It was endorsed by Louis Fraina. (G. F. Lamb is chief of the New York office of the D. J.)

Later I saw in the files two other checks drawn on the same bank to "bearer" and both endorsed by Louis Fraina. One was dated November 15th and was for one hundred and ten dollars. The other, dated October 27th was for eighty dollars. The check for one hundred and ten dollars had two endorsements before Fraina's name, and also bore the endorsement stamp of the Pennsylvania Hotel.

With these checks in the files was a thick bunch of reports written

in the same handwriting as Fraina's signature on the check signed by Fraina.

The reports dealt with the activities of other agents working under Fraina, designated by numbers:—number one operating in Boston; number two in Philadelphia, and number three in Washington, D. C. The reports were dated Nov. 12, 13, 14, 15, 1919. Fraina explained that "number one," busy in Boston, is in good favor with the leaders of the Garment Workers' Union; and that "Number two" in Philadelphia was in connection with the leaders of the steel strike. Regarding "number three" Fraina stated he was in Washington and that his report, which should be in by this time, would show him to be an absolutely reliable man.

NUORTEVA: The informer got possession of some of the papers, according to his statement, and they were taken by the D. J. from him, whereupon he was arrested and fired from the Department of Justice for having broken the confidence. The man is present and willing to report the charges and details, and ready to answer whatever questions you may ask, and I would propose that the next thing to do is to call in the man and proceed with the hearing.

HOUDIN: I ask this question of Comrade Nuorteva: Am I correct if I say I remember you said that the man had in his possession a report which he took from the Department of Justice files and kept those papers with him for one hour and a half or an hour?

NUORTEVA: I don't remember whether I said an hour and a half. HOUDIN: Alright. For an hour, while he was in his own home and who Comrade Nuorteva also stated, when asked if the informer read the report, that on account of a friend of the informer's wife being in his home at the time he had to converse with her and had no chance to read or see the report, am I correct in that?

NUORTEVA: Yes, except that the last portion was answered by Weinstein and not by myself.

LOVESTONE: I would like to ask Nuorteva two questions: first, when he heard this report about Fraina did he tell that to anybody? NUORTEVA: This man told me the first time, as stated in the summary which I gave, that he has suspicion of Fraina being in the Department of Justice, he made that statement at my home where also was present at the time Halonen, editor of the Finnish magazine Sakanita. About three weeks ago, I can't tell exactly the date, after more and more information had come, I told about this to Martens and Weinstein.

FRAINA: I like to ask a number of questions of various comrades before proceeding. I ask Comrade Martens whether he has expressed at any time to any person an opinion whether the reports regarding Fraina are true or not?

MARTENS: I only discussed this question with Weinstein and Nuorteva, with nobody else. I did not express any opinion regarding his guilt or innocence, no. But I expressed the opinion that the matter was sufficiently important to be investigated.

FRAINA: Did you on last Friday evening in your office declare to Dr. Nosovitzky, in addition to your belief, the charges ought to be investigated, that you considered Fraina guilty?

MARTENS: No, I did not.

FRAINA (to Dr. Nosovitzky): Did you state to me that Martens

said to you that he considered me guilty?

NOSOVITZKY: Yes.

MARTENS: I can only say that you were lying or that you are mistaken. Comrade Nosovitzky was so excited that he probably does not remember what I spoke about. I told him that you must stay in

New York until the matter is cleared up and if you go, the charges against you will go with you to Moscow.

FRAINA (to Houdin): I want you to ask Comrade Martens a question.

HOUDIN: Comrade Martens, you stated yesterday that the C. P. was crazy to send delegates to Moscow, is that true?

MARTENS: No. I did not state it that way. I said that some fellows of the C. P. are crazy suspecting some other people of intention against the C. P., such as (members of) the C. L. P. by (type is indis-

tinct) by Communist Conference at Moscow and doing everything to keep its in secret from the C. P.

HOUDIN: You mentioned in connection with what you just answered that just because Reed went,

MARTENS: You misunderstood me. I said the craziness consists in suspicion everywhere you see some bad intention against you.

HOUDIN: You don't think it is craziness to send representatives?

MARTENS: No.

(A little incident over Nuorteva's leaving the room, as later appeared to tell the man that he would have to wait a little longer.)

CHAIRMAN: As a matter of fact this last incident was absolutely uncalled for.

FRAINA: We have a certain theory concerning the charges made and we have a right to proceed in our own way. Any questions we ask are asked for the purpose of getting at the truth of this matter.

NUORTEVA: Now I know in what spirit this is all being done. I thought it was not a body of sides, I took this as a perfectly bona fide investigation. I went out because I thought it was not fair to let him

wait any longer after I had told him he would not have to wait more than 10 minutes.

HOUDIN: I apologize most sincerely and heartily.

FRAINA: I want to ask Comrade Nuorteva whether this person making the charges has to his knowledge ever been in the employ of the Russian Soviet Bureau.

NUORTEVA: No, never.

FRAINA: Has he ever applied for employment?

NUORTEVA: Yes, he applied, not for employment, but told he was asked by the D. J. to apply for employment.

FRAINA: Was this person ever in the employ in any capacity?

NUORTEVA: No, never.

FRAINA: Not, when you were conducting the Finnish Information Bureau either?

NUORTEVA: No, never.

FRAINA: Has he ever been an employee of the Finnish Federation?

NUORTEVA: No, never, but he has been an employee of the Finnish newspaper Toveri. I think, to the best of my recollection, about 3 or 4 years ago.

FRAINA: Was he ever employed by you in Finland?

NUORTEVA: No, I did not know him in Finland.

FRAINA (to Weinstein): Do you know this person?

WEINSTEIN: I saw him once. I don't know him. I think it was last week Monday when it was decided that I should see him and cross-examine him.

FRAINA: You met him once. (To Hartman,) Have you ever seen him?

HARTMAN: I have seen him? No, and I think I have never spoken to him. I don't know him.

FRAINA (to Martens): Do you know him?

MARTENS: I don't know him. I have seen him for a few seconds. of the person making the charges?

NUORTEVA: I know of him being manager of the local office of the Finnish newspaper Toveri and because I was connected with that paper several years ago and reports of the business of that paper were sent to me, I was acquainted with his activities as manager of the paper. I never met him personally, to the best of my knowledge, before this summer. I believe it was some time in June I have inquired about him from persons who were in close touch with him while he was manager of the branch office of the Toveri. Since last June I have met him many times, I can't tell how many.

FRAINA: Is he to your knowledge a Socialist?

NUORTEVA: I know he was a member of the Socialist Party while he was manager of the branch office of the Toveri, because nobody could keep such a position unless he was a member of the party. I asked him whether he maintained his party membership while he was in the army and he told me he did not.

FRAINA: Do you know whether he was a Socialist in Finland?

FRAINA: Has this man been an employee of the D. J.

NUORTEVA: Yes.

FRAINA: Do you know the circumstances under which he entered the employ of the D. J.?

NUORTEVA: As I said, I know insofar as he has told me. His story was that when he was taken into the army and was questioned about his abilities, he divulged the fact that he knew German, some Russian, some Swedish and Finnish, in addition to English, and that because of this fact, he first, after some examination was attached in the army to some intelligence division; that when he was discharged from the army this spring, some officer in that division told him that he might secure some work with the Intelligence Division after his discharge and that upon coming to America he was offered a position in the, —I don't exactly recall, it was the D. J., and that he accepted that position.

FRAINA: Has he at any time stated his reasons or motives for entering the D. J.

NUORTEVA: Yes, it was some time in June. He came to our office. I didn't recognize him because I have not seen him before, but after he mentioned (two typewritten lines following run into each other making it impossible to decipher them (continuing) . . . with the special task of spying on me. That such a job was offered him after various attempts to plant some spy around me had been unsuccessful and because they thought that he through his connections with the Toveri might have a better chance. He also told me that it had been suggested to him that if he accepted a job at the D. J. he might at the same time have a chance to have a job in our office. He did not apply for a job, but told me he understood very well that no such job would be given and he said also that he would not like to take the job in the D. J. unless he felt that he could somehow or other get there some information that would be useful for the Socialist movement. I told him that I will absolutely refuse to make any suggestions to him as to whether he should accept such a position or not. That he was free, so far as I was concerned, to do anything he pleased.

FRAINA: In other words, to act on his own responsibility to the best of your knowledge and belief.

NUORTEVA: Yes.

NOSOVITZKY: Comrade Nuorteva stated that he personally did not advise the man who is accusing Comrade Faina to enter the service of the D. J. Does Comrade Nuorteva know that before this man entered the service of the D. J. did he consult anyone else?

NUORTEVA: I don't know.

NUSOVITZKY: Did this man ever receive money from the Bureau, from Nuorteva or Weinstein personally or did Nuorteva at any time for any services give him any money?

D. J. after he was fired from the D. J. for, according to his story, having made an attempt to secure there certain papers and I found from some of his friends that his family was in very miserable circumstances, I gave him all told \$150, first, 100 dollars and then, very recently, 3-4 days ago 20 and 40. I have thought of giving him 60 dollars at once, but did not have it at the time. I have given it personally without asking M..... or anybody else about the matter.

NUSOVITZKY: I want to know if Comrade Nuorteva has given him his personal money or money belonging to the Bureau?

NUORTEVA: I have given my personal money, with the intention of taking the matter up later on with M..... whether he would consider it an expenditure of such a nature that I could be reimbursed for it. I have not as yet asked Martens.

NUSOVITZKY: Will you give your reasons why, if you personally don't know this man, and he, to your knowledge, does not occupy any prominent position in the movement except manager of a local office of a Finnish newspaper, why did you personally give the money to him, especially since you were not in favor of this man entering into the service of the Department of Justice, it could be understood if Nuorteva had given him his own money, that is his own business, but then, by what reason did Nuorteva want, or perhaps did, take the matter up with M.... In order that the Soviet Government's money shall be paid to a man who has been and perhaps at the present moment is in the employ of the Government. I want to have a straight answer from Nuorteva?

NUORTEVA: I am giving you straight answers. I gave him the money because I learnt that his family was in bad circumstances and inasmuch as I felt that I was somehow responsible because I asked him, after he had told me that he had seen checks and reports, to produce them and because, according to his story, he was fired for such attempt, I felt somehow responsible for the misery of his family in that respect, and then I was interested in the man remaining in New York, to make a further investigation possible.

NUSOVITZKY: Comrade Chairman, I want a statement in the minutes that Comrade Nuorteva when asked if he ever gave any money for any services rendered to him in this man's connection with the Department of Justice said no, I have given this money to this man because his family was in a miserable condition, according to his statement he gave him the money because.

NUORTEVA: I made expressly the statement that I paid him after he was fired by the Department of Justice, not while he was in the employ of the Department of Justice.

HOUDIN: You stated that you paid him the money because you thought that he might be able to get you further material.

NUSOVITZKY: Did Comrade Nuorteva ever say to this man that he was willing to pay a thousand dollars to get evidence on Louis Fraina?

NUORTEVA: No, I did not, but I had told him that I was willing to pay him a thousand dollars if he could get those papers for me that he mentioned.

NUSOVITZKY: Does Comrade Nuorteva know, or did he instruct this man to report to the Department of Justice that he, Nuorteva, is willing to spend a thousand dollars to get evidence incriminating Louis Fraina?

NUORTEVA: Most certainly not.

NUSOVITZKY: Does Comrade Nuorteva know that this man has reported so?

NUORTEVA: No, never heard of it. Would be interested to know if he had.

NUSOVITZKY: How long was this man in the actual service of the Department of Justice?

NUORTEVA: I don't know exactly.

NUSOVITZKY: Approximately?

NUORTEVA: To the best of my knowledge, from some time in June till some time in November. I think it was about the 16th of November of this year that he was fired.

NUSOVITZKY: When this man was in the actual service of the Federal Government as he was to watch and report Comrade Nuorteva does Comrade Nuorteva know that he actually reported him or he does not?

NUORTEVA: He told me on various occasions that he was reporting daily about my movements and journeys.

NUSOVITZKY: When was the last time he told you that?

NUORTEVA: I don't remember.

NUSOVITZKY: Had this man submitted any report sent to the Department of Justice to Nuorteva to have it censured?

NUORTEVA: Yes, he did. I will answer every question, but will make this statement that I am very much astonished to hear questions asked which show a very close acquaintance with the doings in the Department of Justice. He was asked, according to his stories to me to give a report about me to the Department of Justice and he came to me and asked me what would be safe to write into such a report. I told him that I would have nothing whatsoever to do with writing of such reports, that I don't expect him to write anything else that what he knew about my movements and by word. He came back on another occasion and showed me a draft of such a report which he said he would submit and I looked it over because it interested me to know what he really knew and what he would put down.

NUSOVITZKY: As I heard from Nuorteva he said that the man was required to send reports daily. Nuorteva stated that the man came once and then came another time and, according to Nuorteva's statement, this man within a period of two or three months has produced only one copy of a report about him while he, no doubt, had to send during that period about fifty or sixty reports about Nuorteva and consequently about the Bureau and about every one working in the Bureau and about the plans laid and put into life by that Bureau. Comrade Nuorteva, as far as I have been able to understand asked only once from that man to submit to him a report.

NUORTEVA: I did not ask him.

NUSOVITZKY: While he allowed him in a period of 2 or 3 months to write reports about himself and the Bureau, not being interested to control and censor every report, then I ask Comrade Nuorteva did he have sufficient confidence in that man to rely for a period of 2-3 months to send reports without controlling, without censoring every report?

NUORTEVA: I am ready to answer all questions, but they are not relevant at all. I would like to answer though. First of all, your implication is absolutely wrong. His being under my control is wrong. I refused to control him. I always listened to stories but never asked him to bring any reports and never wanted to control them. I never asked him to submit any reports. Why he came on that occasion with that particular report--according to his story he was to give every day a report about my movements, but he came with special report because the Department of Justice in New York had received a request commanding to give a complete report about what they thought about our and especially about my activity. There were 14 questions asked of him. He had received from his chief a written paper in which it was

stated he was to answer questions how many funds we have and spend how we get our funds, and whom I know, whom I see, who is coming to my house, what people I am especially friendly with, whom I am corresponding with and so on—14 questions. The questions were formulated in such a way that the answer would have given an idea whether the Bureau is financing and conducting radical activities in this country. Also do I know this or that man. The answers were fragmentary and to most of the questions he had no information, while others he answered in a way suggested by usual conversations with people coming to the office.

NUSOVITSKY: According to your statement, Comrade Nuorteva, this was a special report to be made about you by request from Washington, D. C. and that was the reason why he brought it to you, so we will leave that report alone, but this man has reported 50 or 60 times. According to what you said he just reported what he knew. Where did he get the information?

NUORTEVA: I don't know; he was expected to hang around the home, he was expected to be in my house. He was in my house several times, and once or twice in the Bureau.

NUSOVITZKY: Did you ever supply him with any information?

NUORTEVA: Never, I never supplied him with any particular information. We discussed sometimes things in the office that I might discuss with a "Tribune" or a "World" reporter.

NUSOVITZKY: I am satisfied with your answer, but did you suspect that he might make an elephant out of a fly?

NUORTEVA: I was always on my guard against things of that kind.

NUSOVITZKY: Did you ever suspect that he might report an innocent conversation in a different way?

NUORTEVA: I never had any confidence in him. I was regarding him all the time as a theoretical possible double dealer, and was always on my guard against him.

WEINSTEIN: I want to ask Nosovitzky does he know the informer?

NUSOVITZKY: Not personally, but I heard of him.

WEINSTEIN: Does he know that the informer reported to the Department of Justice that Comrade Nuorteva promised him one thousand dollars for getting information on Fraina?

NUSOVITZKY: I simply asked Comrade Nuorteva a question did he ever offer a thousand dollars for information on Louis Fraina. If I have positive information that Comrade Nuorteva offered this amount of money, I decline to answer till the end of the proceedings.

WEINSTEIN: I want to put on record the following: Dr. Nosovitzky put up the question about the thousand dollars to Comrade Nuorteva. I asked him the following question—does he know or did the informer instruct the informer to report to the Department of Justice that he is willing that the informer should report to the Department of Justice that he is willing to pay a thousand dollars to get some information on Fraina.

NUORTEVA: I have no objection to answering questions, but want to say there is a man called as a witness, it would be more advantageous to have him answer questions. I want to say only this in answer to Nosovitsky's question—I am answering what he told me. You ought to ask him.

It is agreed that the witness be called in but prior to that the order of procedure is discussed.

FRAINA: Inasmuch as Nuorteva is the only man knowing the informer and he states that he has no confidence in him, I suggest that the witness should be the last man to leave the house.

NUORTEVA: I think that the man is telling what he knows. That does not contradict my statement that I have no confidence in him. As

to procedure, I think he should be called upon to identify the man whom he learnt to know, as my impression is that it might be possible for him to identify Louis Fraina. If he does not, I would suggest that we should state who Fraina is and confront him with him, and then take up the question of the papers he saw, and other questions. THE IDENTIFICATION WOULD PROVE NOTHING, WHETHER HE IDENTIFIES HIM OR NOT IS NO PROOF. Then make whatever questions suggest themselves.

LOVESTONE: I suggest that we ask him to identify everyone whether he saw them.

HOUDIN: Anybody has a right to cross-examine, but there must be no discussion, only questions. No on present shall interject anything while the other one is questioning the witness, no matter how foolish the questions.

NUORTEVA: He has seen Fraina 3 times only in passing by. People who have known him well, do not recognize him. IT IS NOT FAIR TO EXPECT HIM TO RECOGNIZE FRAINA. BUT NEITHER ABILITY NOR INABILITY TO RECOGNIZE HIM PROVES ANYTHING. Let him have the courage to state his questions face to face.

FRAINA: But there is another important aspect. From my point of view, the man is a God damned liar, for there is not even an innocent basis for his statement. What assurance have I that this man's purpose is not to come here, acquaint himself with my appearance?

NUORTEVA: There are two risks involved—first of all, Comrade

Louis Fraina's safety, if the informer is a liar, and second, that this

matter is not cleaned up. The latter is the greater risk. After all,

Comrade Fraina's risk is not greater than Larkin's or Gitlow's.

FRAINA: Of course, it is not the jail I am concerned with, but the plans of the party.

NUORTEVA: I say that I would leave it to Fraina himself.

FRAINA: A number of my friends have advised me very strongly not to pay any attention to these proceedings at all. They argued strongly that I was taking extreme risk and I said that no matter what risk of personal safety is involved I am throwing this suspicion in because I want the comrades to consider it.

LOVESTONE: I recognize the psychological value of confronting the accused, but we want to compare the advantage it involves with the risk.

NUSOVITZKY: I propose we should end everything and start at once with that man. When he comes in he must not know that Fraina is here. It is up to us and to you comrades, but I feel that we should start questioning first. First of all he will tell his story. We who are here with Fraina and never had any connection with that man, shall question him first. Take into consideration that Nuorteva stated that he examined and cross-examined this man several times. I think that no one of the Bureau shall take the initiative in questioning the witness.

NUORTEVA: First of all I think it is another waste of time to have him tell the story. It is a question of a rather long period. The gist of that story has been told. If anything in addition will be asked, alright. I should suggest questions. Since the charges have been communicated through me and M..... I would ask him first to try to identify among those present the man whom he alleges having met as Fraina in the Department of Justice. If he identifies him, I would ask how and where, and then ask him other questions.

CHAIRMAN: Let me make a suggestion. The usual way is for the accuser to put the witness on the stand and ask questions. Then the defense begins to cross-examine him. One amendment I would make, that instead of Nuorteva asking the witness to identify Fraina, I will ask him: "do you recognize among those present, who is the person you are accusing?" If he says—yes, let him point him out.

HOUDIN: I accept your suggestion insofar as you are to ask that he identify Fraina, but after that, in either event, the procedure shall be the relation by the informer of his story in his own way. The man tells the story, and then we cross-examine him.

FRAINA: In the event that man identifies the wrong person or says he cannot identify, we don't tell him that he is wrong.

NUORTEVA: Is his questioning to be suspended?

M.: Psychologically much depends upon Fraina confronting the informer. If he has reasons not to confront him, that is his business.

HOUDIN: I insist on the original proposition that when the man comes in, he must tell us all he knows about Fraina. Further, that this man shall not be questioned by anybody from the Bureau, but by Fraina or anybody who is not connected with the Bureau, then the representatives of the Bureau can cross-examine him.

HOUDIN: Since when were these questions designated as making charges? The informer is making charges. We want that comrade to come and tell us his story without any questioning by anyone. Direct examination is ...

FRAINA: The moment after he tells the story I suggest that Dr. Hourwich, as chairman of the meeting asks him any questions he sees fit to bring out the story and then I or my friends will ask questions, and after that the members of the Bureau. Which will facilitate matters best—when should I produce counter-evidence? For instance, he will say that at a certain date I was at a certain place, I am to disprove that just after we are through with him?

NUORTEVA: I did not tell him he was to meet Fraina here. I told him on the way that he might be confronted with Fraina and whether he is ready to confront him, so that actually he does not know.

WEINSTEIN: You should begin with a question—were you an employee of the Department of Justice?

HARTMAN: He will meet some people whose names he must not know and no names are to be mentioned.

The following procedure was agreed upon:

CHAIRMAN: The chair will first ask the witness to identify Fraina. If he can. Then the chair will direct him to tell his story; after that that the Chair shall ask him any questions that the Chair may deem necessary to clear up his story. Thereupon he shall be cross-examined by those present except the persons connected with the Bureau; after the cross-examination members of the Bureau may examine him.

(Witness is called in)

CHAIRMAN: Your name?

WITNESS: Ferdinand Peterson.

CHAIRMAN: Do you think that there is in this room anyone whom you can identify as Louis Fraina?

WITNESS: No, I would not say so.

CHAIRMAN: Could you tell us what you know about Louis Fraina?

WITNESS: I don't know him personally. I met a man who was supposed to be Fraina, in a building down town. My suspicion was that he was the man who was supposed to be Fraina.

CHAIRMAN: What information have you?

WITNESS: This is the way it happened. In September I saw in a Finnish paper, published in Fitchburg, Mass., that Louis Fraina is in some connection with the Dept. of Justice, and I took the article with me to the Department of Justice. I asked Davis who was at that time my chief, if Louis Fraina was working in the Department of Justice, and Davis did not deny, but let me understand that he was working for the Department of Justice. Then after that, when I had this information,

I happened to go to Nuorteva's house and there was a man by the name Helle and somehow we happened to talk about the article, and I told that would be interesting for Mr. Serrel, editor of that paper, to find out if this man is connected with the Department of Justice. So at that time Nuorteva laughed and did not believe and said: "You must be more careful!" And then I just stopped myself and said, "I'll find it out if it is so or not. Time passed, and one day I was called to the Department of Justice office to give some information regarding that business I was in. Flynn himself was there. Just as I got out of Flynn's office a man came out from room 1428 (it is not really Flynn's office, it belongs to Scully, Divisional Chief of Radical Activities). I went into the next room, and I just went in as a man came out of the room, and as we passed each other, I looked at him, so I could see him, and I went in. As I was in that office talking to Mr. Flynn and Scully, during that conversation not to Flynn, but Scully, I mentioned—"How is it, is Fraina working for you?" There is about 5 or 6 times since that I have asked Scully about Fraina, but I don't recall when he told me. At first he did not deny it, but in later conversations with him he let me understand that he was not working. Then, in the middle of October, some time in the middle of October, I went to the office again and at that time I went to the girl who is taking care of the files, and I asked her in what place does Louis Fraina get pay—in Washington, D. C. or here in New York, and the girl answered: "of course, in Washington, D. C." but she says, there are some papers in this office too, that we have paid to Louis Fraina. I acted as if I was interested in his pay. She said he was getting \$12 a day and his expenses. "Well, why do they pay so much to such a man. I am just as important as Fraina?" She laughed and said: "Well, it is not my fault that you don't get paid as much." And she went to the box of the RUSSIAN SOVIET GOVERNMENT MATTERS, and found file and in these blue files, she took out a small check—it was a very small size check—written PAYABLE TO THE BEARER, and cashed the date was September 10th, for \$140. It was signed by J. Flynn, chief of the New York office. This check was drawn on the Lawyers' and Attorneys' Guaranty Trust Co., or Lawyers and Attorneys' Trust Co., Brooklyn and New York City—both offices acknowledge this check, and it was endorsed by Louis Fraina and a stamp of the Bank was on the other side, and I could see the stamp paid. That was in the middle of October, and when this had happened I told about it to Nuorteva, at that time that I saw the check and what the girl told me. Between this time and before I talked with this girl, I saw the same man, Louis Fraina, coming out, this time on the stairway. We have to go to the 15th floor first, and from the 15th floor to the 14th floor and just when I went to the 15th floor I passed the same man, and I recognized him the moment I saw him, and he jerked his head backwards, and looked through his eyeglasses, so I could have a good glance at him.

FRAINA: When was it?

WITNESS: Before October 15th.

LOVESTONE: Was it in September?

WITNESS: No, not in September.

FRAINA: Can you place it more definitely?

WITNESS: In October, before 15th, not in September. The third time when I saw this man, WAS ON THE THIRD OF NOVEMBER. That time I saw him in the alley, when you go from the 14th floor to the 15th, he just opened the door and met me. He had a velvet hat, overcoat with velvet collar, and just as I passed him, he was ready to put his hat on. I saw his forehead. It was just like that gentleman's pointing to Fraina). Will you please get up for a second?

FRAINA: (rising): "Do you want me to take off my glasses?" as he began taking them off.

PATERSON: You are the man!

NOSOVITSKY: Thank you, (sits down).

WITNESS: A political move!

Tucker's assistant about this Louis Fraina, and he explained to me what Fraina looks like. Broad head, then sharp and shorter, my (Tucker's assistant) height, sandy black hair. I knew then that man I was talking about was the man. I have seen the man coming out of the office Tucker did not deny it, saying: "He is one of our men." After that I told Scully that Fraina is working for us, and Nuorteva knows it too. "I don't know if he is working, but let them believe he is working for us, if you can get information." Before he said—don't let them know that, under no conditions don't let them believe that he is working for us because I cannot take this responsibility on (myself). I laughed and said: "I don't know what to say to them: they believe it anyway." Whatever information they have, do not let them know he is working here." Then, on November 15th when I went to the office to talk to the girl again, so I was suppose to meet Mr. Scully at ten o'clock in the morning, and that time I saw 3 checks instead of one I had seen before and a thick bunch of reports written by Louis Fraina. And one thing is this—all investigators cannot write their name under-
RE-
PORTS THEY WAS LOUIS LOUIS FRAINAS NAME UNDERWRIT-
TEN, and underneath typewritten copy which is gone through Flynn's or Lamb's hands already and always the Department of Justice stamp. I told Nuorteva about this and the new checks I have seen there. WE DE-
CIDED I WAS TO GET THESE CHECKS from the 15th and that check where I saw 2 names besides Fraina's, and that check cashed at the Hotel Pennsylvania. At 11 o'clock when I was talking with the girl, that was called to Scully and stayed in Scully's office for half an hour. Mean-
while I took this check dated November 15th and one report covering the time of the 12th, 13th, 14th and 15th of November, and after I had the report and the checks in the pocket, I stayed until 12 o'clock and when Scully did not come to the office I went home. Before I left home I thought I would go right away to Nuorteva and deliver the papers, but I saw some one was following me and stayed home one hour or an hour and a half. I came in through the regular door, and when I left I used the door through the basement. Two men then walked over to me and said: "You are Petersen?" "Yes" "You are an agent of the Department of Justice?" "Yes" "So are we. You are under arrest, come to the office". We had an argument and finally we went to the Dept. of Justice. Scully was there and spoke just as if nothing had happened. These men said they were coming under orders. They searched me and found the papers, Scully tried to find out from me for whom I was taking those papers and asked whether it was for Martens or Nuorteva or anyone else in the office. I answered I did not take it for anybody, just to see how others report. They put me in jail. I was (the next day) taken out of jail to lunch with Scully who asked me questions for whom I took the papers, how much I got—5,000 dollars or what. I did not tell him. On the 24th of November I was released, and they did not put me any more in jail. Before they released me they fired me and handed me all the papers. Your Services are dishonest. You did not give us the right kind of information as sup-
posed to give". I asked about my pay. I did not get any from the 1st of November to that day. They said they were going to forfeit it. Before that he had been at my home and told my wife that I was going to Wash-
ington, D. C. on a business trip and she should not be alarmed when I don't come home. 2-3 days passed, I was called to the office and had

to sign a voucher that I got and get the pay from the 1st to the 24th and expenses from the 1st of November to the 16th and from November 16th to 24th. And at that time when I was there they tried to ask me again about this, for whom I was trying to get the papers. I did not tell them that time either. Last Tuesday I was called to the office again. I did not know who Blackwood was. He told me Blackwood is investigator for Rockefeller and those millionaires. They have a man by the name of Peterson in the Lusk Committee too. I denied I was working for them and said: "I never would take any papers from you for them."

Whatever you have done it for, you have spoiled your future, and whom we will look after that first, you will be the man, for was the first time I met Mr. Nuorteva and Weinstein at this house. Meanwhile Scully had been at my home asking her how much my wife knew about the papers I have tried to steal. She said she did not know anything. They told her that any time when anything goes wrong with me, if she is willing to give the correct information, they will take care of her and my son, so she need not be afraid. She did not know anything important that they could have used, so he left and was not to the house again. Last Thursday I applied for a position in town and just as I was ready with the manager, he said: "I saw that two men were behind me looking for the position and later I was told by the manager he could not use me. So I understood this those two men were from the Dept. of Justice and then Nicola told me they did not inquire of him.

CHAIRMAN: Is this all?

I DID NOT THEN PAY ATTENTION BEFORE IT BECAME CRITICAL.

CHAIRMAN: You said that your attention to Louis Fraina was first attracted by an article in some Finnish paper, when was that?

WITNESS: In early September. I just got the paper from the mail, I took with me. The name of the paper is "Rival."

WITNESS: In Pittsburgh, Mass.

CHAIRMAN: Do you remember the date of that paper?

WITNESS: No, I don't remember.

CHAIRMAN: Have you saved that paper?

WITNESS: No, because I have moved.

CHAIRMAN: Could a copy be gotten from the publication office?

WITNESS: Yes, easy.

CHAIRMAN: Did you show the paper at the office (of the Department of Justice)?

WITNESS: No, they can't read it, but I translated it.

CHAIRMAN: Did you show the paper to Nuorteva?

WITNESS: No.

CHAIRMAN: Did you tell him about it?

WITNESS: Yes, not directly, but that it might interest Mr. Serrell to know that Fraina is connected with the Government.

CHAIRMAN: What did the article say about Fraina?

WITNESS: Well, it said there that when the Chicago Convention was going on, Louis Fraina got this Socialist Party split up, and Serrell made some hints that Fraina was in the pay of the Government, in that article.

CHAIRMAN: You spoke in the presence of Hallonen. Where is Hallonen now?

The latest I know he is sick in bed.

CHAIRMAN: Is he in New York?

WITNESS: I don't know.

CHAIRMAN: Did you ever speak to Fraina?

WITNESS: No, sir, except if that was the man now.

CHAIRMAN: When you came the last time to the Department of Justice you had to sign your name on the voucher?

WITNESS: Yes sir.

CHAIRMAN: Is it a general practice?

WITNESS: Yes, everyone getting regular salary . . . I have forgotten on one of the checks was written in the corner "Emergency". So I figured it was expense money.

CHAIRMAN: Did you have a voucher for expense money?

WITNESS: When the month is over you have to make an expense account and report on all money spent during the month and you remit when you have spent any in advance, and if there is any balance you have to sign a voucher. For regular amounts of pay you don't have to swear before notary public. If you don't report for expense money you don't get pay.

CHAIRMAN: On the first two checks you saw two names you could not read and then Louis Fraina's. Was there any name between Fraina's signature and the Hotel Pennsylvania?

WITNESS: No, it was in the middle, the Pennsylvania Hotel stamp.

CHAIRMAN: You have explained that you signed your report by initials

WITNESS: Yes, and when speaking by telephone also did not give real name but initials.

CHAIRMAN: Why did Fraina sign his report?

WITNESS: BECAUSE HE IS A SPECIAL INVESTIGATOR.

CHAIRMAN: WAS THERE ANY REASON WHY A SECRET WAS TO BE MADE IN REGARD TO REGULAR EMPLOYEES BUT NOT TO SPECIAL INVESTIGATORS?

WITNESS: NO, IT SEEMS FOOLISH TO ME. I never asked them and can't explain why this man signed his name in full.

CHAIRMAN: You said, last time you saw him it was November 3rd.

How do you remember it?

WITNESS: Last night I went through my notes and there I had to make notes regarding expense money and so I had to make notes whom I met that day and in what condition I made this expense, and that time I met Fraina.

WITNESS: Did you expend any money on him?

WITNESS: No.

CHAIRMAN: Then why did his name appear in your expense account? WITNESS (Reads from note): Nov. 3rd, Nuorteva's home, one car-fare, one telephone call, Fraina. Nov. 4th—Nuorteva's home, 3 carfares, two telephone calls.

CHAIRMAN: You say Tucker described Louis Fraina—when, before or after November 3rd?

WITNESS: Before.

CHAIRMAN: You said, you told Scully that Nuorteva thinks Fraina is in the employ of the Department of Justice?

WITNESS: I told they suspect him that he is in connection with the Department of Justice.

CHAIRMAN: Why did you tell him that?

WITNESS: I said it to find out. Scully is a man who slips over something to get friendly. I wanted his word that he is working there.

CHAIRMAN: When you talked to that girl asking some question of that file clerk on November 15th, how do you remember it was November 15th?

WITNESS: Because next day I was taken to jail.

CHAIRMAN: When you went home you noticed you were followed. When you came home why did you not hide those papers?

WITNESS: I can't trust anybody, not even my wife. When, when they follow a man, they usually wait for half an hour or so, and leave the place. But if they are instructed to follow, they do their best, and then report they could not follow. I figured, he might wait, then get tired of waiting and go away, so I could go.

CHAIRMAN: Is there not a chest or box where you could hide anything?

WITNESS: No, I have only one room.

CHAIRMAN: Did it ever happen that you should take out a paper from your pocket and leave it at home in some drawer?

WITNESS: Well, I have left lots of papers, but they were of no importance, but I know exactly that I cannot leave any important papers.

Anybody could come to that place.

CHAIRMAN: You mean strangers or your wife?

WITNESS: No, my wife. Especially if she is suspecting because of what Scully told her that I am doing something wrong.

CHAIRMAN: When you took the papers home it was before Scully was at your home. When you came with those papers thinking those men were following you, you wanted to shake them off, why didn't you put the papers away?

WITNESS: I figured I wanted to get them back to the office as soon as possible, and I thought I would go to Nuorteva's office and take a picture of them and then I would go back to put the papers back.

CHAIRMAN: Don't you think it would have been better to see first if there was no one there?

WITNESS: Afterwards I thought of it, I thought lots of things, but then I did not think of it.

CHAIRMAN: Why did you think you had to return those papers the very same day?

WITNESS: For the reason that the two checks and the thick bunch of papers were not there the first time, then I saw only one check. The chances were they might take out the papers and miss them and they would suspect me and then that girl, but the girl would tell about me having asked the questions and so they would suspect me only.

CHAIRMAN: Now, you said that the first check you saw was in a file which was designated as the RUSSIAN GOVERNMENT MATTER, and that the girl or you took out the check from that file?

WITNESS: She opened the drawer and took out the papers. It is a vertical system, and said: "Here is one check".

CHAIRMAN: What relation did Fraina have to the Russian Soviet Government matters?

WITNESS: I don't know. I never asked.

CHAIRMAN: Did you read the reports?

WITNESS: Well, as much as I had time to read it, it explained the matter that he had been too busy to write this reports and now since he is back to New York from Boston and Philadelphia, he writes regarding No. 1 who is operating in Boston and he stated that this man was in connection and in the good graces with the Garment Workers leaders, and the Philadelphia operator No. 2 was in connection with the steel strike leaders, and he made good results there, and regarding No. 3; he says, by this time his report may be in already from Washington, D. C. and you can be sure about the fact that these men are absolutely reliable.

CHAIRMAN: When you came into this room you looked at everybody and did not identify anyone as Fraina. After a little while you did? WITNESS: When I looked a little bit closer, at first the lamp shade was in the way.

CHAIRMAN: What did the man whom you took for Fraina look like when you saw him?

WITNESS: He had black moustache, the size of Nuorteva's, a little

bit shorter, a goatee, and if he puts on the same clothes it might be easier; gold-rimmed glasses, like that (pointing to Fraina).

CHAIRMAN: You first did not know anybody that looked like Fraina, and then said he was the man?

WITNESS: Well, I heard him talking once to Mr. Flynn from the other room, and the sound of the voice, I heard no words.

CHAIRMAN: This is all the questions I desire to ask. Will any-

one else question him?

FRAINAS: When did you first see Fraina?

WITNESS: 7th OF SEPTEMBER.

FRAINAS: Where?

WITNESS: In the Department of Justice building, at Park Row.

WITNESS: Yes.

FRAINAS: What was he wearing? Describe his appearance?

WITNESS: At that time he had a black overcoat, with a velvet collar, and that overcoat was tight-fitting, and a black velvet hat, beaver (Fedors), and eye-glasses, like these (pointing to Fraina's glasses) with gold rims.

FRAINAS: Was he carrying a cane at that time?

WITNESS: I did not pay attention.

FRAINAS: How positive are you about the clothes he wore?

WITNESS: Yes sir, positive.

FRAINAS: And you are quite sure you saw him in the Department of Justice building, what time?

WITNESS: Yes, very sure. Between 11:30 and 12 o'clock, after 12

I had no business to go there, except on special appointment with my chief.

FRAINAS: Can't you remember approximately what time—10 or 11

or one o'clock?

WITNESS: If I say 10 or 11 o'clock I lie. Around 10 o'clock, between 10 and 12.

FRAINAS: Would you be surprised if you were told that Mr. Fraina would prove that he was not at all that time down town.

WITNESS: No sir.

FRAINAS: You are positive you saw him?

WITNESS: Yes sir.

FRAINAS: You are also positive it was September 7th?

WITNESS: YES.

FRAINAS: Was he wearing a beard?

WITNESS: HE HAD A BLACK MUSTACHE AND A BLACK GOA-

TEE.

FRAINAS: You are sure it was black?

WITNESS: It was sandy black. They have lights burning in the

alley.

FRAINAS: Was it the color of my hair? (showing his hair)

WITNESS: Bet you.

FRAINAS: I am not saying that I am. Was he my build?

WITNESS: Before I came here, before I saw you, Nuorteva asked me what build he was. I said very slender. There is one man Bowman, and I was telling Nuorteva he was the same built.

WITNESS: Yes.

FRAINAS: My hair is not black?

WITNESS: No sir.

FRAINAS: Was his moustache black?

WITNESS: Yes,

FRAINAS: If anything his beard would be lighter than his hair. Now how was it?

WITNESS: It was the same color.

FRAINAS: How many times did you see him?

WITNESS: I saw him three times.

FRAINAS: You did not notice whether he was carrying a cane?

WITNESS: No sir. I never saw him outside.

FRAINAS: You are positive of the clothes, but not positive of the cane?

WITNESS: I am sure it was a black overcoat, black velvet collar, black velvet hat.

FRAINAS: Did you notice what sort of a shirt collar he was wearing?

WITNESS: Well, he had a regular collar like I have, a white collar.

FRAINAS: It was a soft collar?

WITNESS: Yes, a white soft collar like this one (showing Fraina's)

FRAINAS: Did the man look like a good dresser?

WITNESS: I could tell that the man looked like the latest model.

FRAINAS: In other words, he was a swell dresser?

WITNESS: Yes sir.

FRAINAS: Was he dressed the same all three times you saw him?

WITNESS: Yes.

FRAINAS: All three times he gave the impression of being a swell dresser. You say you saw this man whom you think is Mr. Fraina, when?

WITNESS: When?

FRAINAS: The second time?

WITNESS: The second time I don't remember exactly, it was in October.

FRAINAS: Can't you place it between the 1st and 15th of October?

WITNESS: I would place it between the 1st and 15th of October.

FRAINAS: You are not sure?

WITNESS: No sir.

FRAINAS: But you are sure of the date you saw him the first time?

WITNESS: September 7th.

FRAINAS: Why should you be so sure about the first time and so vague about the second time?

WITNESS: Well, I have to go through my notes. Pershing Day was on September 10th and this is a long story to repeat it, but all facts bring out that it was September 7th, when I went to see Flynn who came back from Washington, D. C., and I had to meet him.

FRAINAS: How long have you been in the employ of the Department of Justice?

WITNESS: Since June 26th.

FRAINAS: How long a period?

WITNESS: Since June 26th till November 24th, 4 or 5 months. I have such a poor memory that you cannot place when you met a man, between...

WITNESS: I have a better memory than you, but I have so many things on my mind. I can make the proof so that no one doubts it. Even if it has to take me a year. Is this proceeding getting me as a liar or how do you figure this? I came here all the time I was under the impression that I came to give my information to those people I want to have them, and not those I don't care for. And if so, I am now the guilty one, I don't want to give it. I can get mad and bring Scully here and prove it.

CHAIRMAN: You have made a certain statement concerning Mr. Fraina. Mr. Fraina has friends who desire to make sure that you have told the truth and that you have not mistaken somebody else for Mr. Fraina. That is the object of all these questions.

WITNESS: Why should I have lost my position if I don't care? Why should they put me in jail? Why should they have the papers there?

NUORTEVA: Is it possible to know at this particular time how long we are going to stay here tonight? As far as I and Martens are concerned I will refuse to stay after 12.

CHAIRMAN: We wont get through by 12.

HOUDIN: In fairness to Mr. Peterson we cannot get out of here before we are through with the questioning.

FRAINA: WHEN DID YOU SEE THIS MAN FRAINA FOR THE 3rd TIME?

WITNESS: ON NOVEMBER 15th.

FRAINA: WHERE?

WITNESS: Same building again.

FRAINA: Always in the Department of Justice Building. I think I must have made a mistake. Did you say you saw him on November 3rd or 15th the third time?

WITNESS: NOVEMBER 15th.

FRAINA: Are you sure?

WITNESS: Sure.

FRAINA: As sure of that as of September 7th?

WITNESS: Yes sir.

FRAINA: Did you ever see this man with his hat off?

WITNESS: Yes, that time when he came out of the office and as I told you the location of the doors, as I came in he was coming out and was putting on his hat, then I had a good look at his head and hair, not very good, but sharp.

FRAINA: You did not notice how it was parted at the middle or on the side?

WITNESS: No, but it was more combed back than on the side.

FRAINA: The first time you saw the check which Fraina signed was it September 10th and signed by Fraina?

WITNESS: Yes sir.

FRAINA: Do you remember what the date of the check was?

WITNESS: It was dated September 10th.

FRAINA: Do you remember when it was cashed? There is always on the back of a check a date?

WITNESS: They stamped it there. I did not put it against the light and did not see the date it was cashed.

FRAINA: It must have been cashed at the same bank.

WITNESS: The same? At the Pennsylvania Hotel.

FRAINA: This bank the check was made on, was it a New York bank?

WITNESS: Brooklyn Bank—Guaranty Lawyers' & Attorneys'.

FRAINA: The Pennsylvania Hotel stamp was on the first check?

WITNESS: No sir. The first check must have been cashed by the bank as there was only one endorsement, a New York or Brooklyn bank.

FRAINA: The second check was cashed at the Pennsylvania Hotel?

WITNESS: No, the third one.

FRAINA: Did you notice the date on the second one?

WITNESS: October 27th. I have forgotten which has been signed by Flynn. One of them was signed by Flynn and two others by Lamb.

FRAINA: The second check was dated October 27th. Did you notice when it was paid?

WITNESS: No sir.

FRAINA: On the same bank?

WITNESS: They were made on the same bank. I wish to know when you go though some one else's files, how much you would remember and notice?

FRAINA: Did you read the report which you took home, by Fraina?

WITNESS: Yes, I read it as much as I could. It was three sides typewritten. One sheet was typewritten and two handwritten. I read the typewritten, but was more interested in the handwritten one and

compared the signatures on the checks and on that report and was absolutely sure that the same man had written the report and signed the endorsement upon the check. Of course, I am not an expert, I just believe it was so.

FRAINA: Did you ever see Mr. Fraina's signature?

WITNESS: No, except on the checks.

FRAINA: You never saw his check made innocently?

WITNESS: No, never saw the man in his life.

FRAINA: Did Mr. Nuorteva ever show you Mr. Fraina's signature?

WITNESS: No, sir, he did not show me, but I tried to imitate it for him.

FRAINA: You imitated the signature for him. Did you show that to Nuorteva? What did he say?

WITNESS: He did not say anything, he did not say beans.

FRAINA: Do you remember anything that you read in this report?

WITNESS: As I told you it was a funny report because it mentioned 2 operatives under numbers—one, two, three. Number one in Boston, No.

2 in Philadelphia and No. 3 in Washington, D. C. The Boston operator was supposed to be with the Garment Workers' Union leaders and the Philadelphia operator with the steel strikers.

FRAINA: Was there anything about the Socialist movement?

WITNESS: No. It said "as their reports will show," and "by their reports you will see that they are reliable".

FRAINA: What was the date on that report?

WITNESS: 12th, 13th, 14th, 15th of November.

FRAINA: You mean the report covered the period of November 12, 13, 14, and 15?

WITNESS: They must have got it on the 15th and it was on the file on the 16th.

FRAINA: And you saw the report, when?

WITNESS: The day I took it, on the 16th, when I was jailed.

FRAINA: When did you hear that man talking with Mr. Flynn?

WITNESS: It was very early—in September, or in October. Later part of September, or early October. I heard the voice, did not hear the words.

FRAINA: As you saw this man whom you thought was Mr. Fraina on November 15th, in the Dept. of Justice, does it seem logical that he filed his report on November 15th?

WITNESS: Yes sir.

FRAINA: Did the report mention that this man saw any operatives on November 15th?

WITNESS: No, I figure, I tried to read the report.

FRAINA: Did the report mention any business that that man transacted on November 15th?

WITNESS: No sir, but that on November 15th he came to New York.

LOVESTONE: How did you come to think that Mr. Fraina was working for the Department of Justice?

WITNESS: When I saw that article in that newspaper.

LOVESTONE: You said you were surprised at Fraina's getting 12 dollars a day. How did you get yourself to think you were as important as he?

WITNESS: I know my salary is as good as any one else's. I teased them and said I would leave, and they increased my salary one dollar every time.

LOVESTONE: How is it you came to talk to Nuorteva about Fraina?

WITNESS: He was appointed by the Department of Justice as the man whom I had to go to. If I had been there for his purpose, the Department of Justice would know about this.

LOVESTONE: Did you say you saw Fraina on November 3rd in New York City?

WITNESS: No, I said November 15th.
LOVESTONE: What happened in the meantime THAT GOT SO CRITICAL THAT COMPELLED YOU TO LOOK AFTER FRAINA?
WITNESS: I MEANT THAT WE HAD BEEN TALKING WITH NUORTEVA ABOUT THIS QUESTION AND HE ASKED ME TO FIND OUT.

LOVESTONE: When did you tell Nuorteva about the Finnish newspaper you saw?

WITNESS: It was the time I saw the paper, may be one week or two weeks later. I believe Nuorteva can tell closer, if he tells me how long he has been living in that place. But about two weeks at least.

LOVESTONE: When was it you heard of Fraina's going to Boston and Philadelphia, and about his having been with the steel and garment workers?

WITNESS: The day I took the report out of the files, same day I was arrested, November 16th.

LOVETONE: YOU SAY YOU SAW FRAINA AT THE DEPARTMENT OF JUSTICE ON SEPTEMBER 7th. IT WAS SUNDAY. DO YOU WORK SUNDAYS?

WITNESS: Every man is supposed work Sundays. If he does not do that he gets fired.

LOVESTONE: You say you can make the proof doubtless. What proof do you mean?

WITNESS: If it goes that far with that man, that I am not a liar. LOVESTONE: Even if I cannot make it now, I can prove it absolutely, even if it takes time.

NOSOVITZKY: I don't want to accuse you that you are a high-tempered young man. You are a man with a character, with a mind, with intelligence, therefore, you can understand how grave and serious the whole situation. Here is a man whom you identify as Fraina. He is a personal friend of mine and to a certain extent of Nuorteva. I believe you came as an honest man. It was your sacred duty and therefore I want to beg you one thing. Don't think that I am going to accuse you of anything if I ask you personal questions. I consider you a comrade because you came voluntarily.—Have you ever been connected with any private detective agencies?

WITNESS: No.
NOS: Have you ever been interested in the Union of Russian Workers?
WITNESS: No.
NOS: Do you know anybody in the Union of Russian Workers?
WITNESS: No.
NOS: How long have you been in the army?
WITNESS: 16 long months.
NOS: You have been drafted?
WITNESS: Yes, that is true.
NOS: How long are you married?
WITNESS: Well, I don't answer this question.
NOS: How many languages do you speak?
WITNESS: Finnish is my father's language and Swedish my mother tongue, Russian—I was teacher in the Russian language, and German, and a little French.
NOS: In what rank were you in the army?
WITNESS: Sergeant.
NOS: When did you get your promotion?
WITNESS: Last March 11th.
NOS: After how many months in the army?
WITNESS: Since August to March—6 months.

NOS: Have you been doing interpreting work?

WITNESS: Yes. I have been taken to the Federal Prison, they took me for a German spy, and later on, to make up for that, they took me as translator.

NOS: What made you become an agent of the Dept. of Justice?

WITNESS: WHEN I CAME HERE COLONEL WILLARD CAME TO MY HOME AND OFFERED ME A JOB. BEFORE I TOOK IT I WENT AND TALKED ABOUT IT TO NUORTEVA.

NOS: Was there ever before in your mind any plan to become an agent of the Department of Justice?

WITNESS: I have been so disgusted with the army and I said I would not go.....to the West Coast, and I thought I might get a position as editor of a Finnish newspaper.

NOS: Do you remember the superior officer in your Company?

WITNESS: Captain Haiga and Captain Langdon.

NOS: Did they treat you right?

WITNESS: Ask any other soldier how they treat them. I was taken to the army and put in jail, would you call that good treatment?

NOS: Did you ever go to any officer and ask for a job when you went out of the army?

WITNESS: No, the only thing I did was this—I went to the United States employment office asking for a position as bookkeeper.

NOS: Did the Employment Office ever offer you a job in the Department of Justice?

WITNESS: No.

NOS: Did any of your officers, from your Company or from the army offer you a job in the Department of Justice?

WITNESS: No.

NOS: You have never seen that Mr. Willard?

WITNESS: No.

NOS: You have not seen him in the army, you don't know what connections Colonel Willard had with the Military Intelligence Department?

WITNESS: Well, he claimed to be of the Military Intelligence Department.

NOS: How did he happen to come to your house to offer you that job?

WITNESS: Well, before I got my discharge from the army, I had to give my address.

NOS: How many Finns or other foreigners were in the Company?

WITNESS: If there were any, they did not talk about.

NOS: What reasons do you see that he came to you offering you a job?

WITNESS: For the simple reason that he knew my records. We had to answer 200 questions—how many languages do you talk, and so on. I answered that and being that I am a Finn, they thought I would be in connection with Finns here.

NOS: What did the Colonel tell you?

WITNESS: I was not in. He told my wife he wanted to see me. He came next time and asked if I know any of those Socialist Finns here. He especially mentioned Nuorteva and Lauki.

NOS: What date were you discharged from the army?

WITNESS: June 17th.

NOS: When did the Colonel come to your house?

WITNESS: July 27th. I made a mistake in my first statement, I had said June 26th but I had been here since July 26th.

NOS: How long have you been home when the Colonel came with the proposition?

WITNESS: I came to New York July 26th. I have been one week

in New York when the Colonel came, on August 1st or 2nd. One week after I came to New York.

NOS.: Are you quite sure it was August 1st or 2nd?

WITNESS: I can't tell you, but I was one week in New York.

NOS.: Was it July 28th?

WITNESS: Suppose it was in August. I arrived July 26th, a week later—some time in August.

NOS.: When did you come to Nuorteva and asked him whether to take the job?

WITNESS: BEFORE I GAVE A DEFINITE ANSWER.

NOS.: When did you give a definite answer?

NOS.: AFTER I SPOKE TO NUORTEVA.

NOS.: That was when approximately?

WITNESS: Well, it was on August 4th. My pay starts on August 4th.

NOS.: How long before you gave a definite answer to the Colonel did you speak to Nuorteva?

WITNESS: THE NIGHT BEFORE, i. e. AUGUST 3rd.

NOS.: When did you enter the actual service?

WITNESS: The next day.

NOS.: Now, comrade, I personally consider you an intelligent and broadminded man. Now, what reason did you have, after you made a statement to me that you hated the army, that you have decided to have nothing to do with the army, and it means that if an intelligent man hates the army, he hates the whole army?

WITNESS: I have had enough in my life. I have not been sitting all the time in easy chairs either.

NOS.: I suppose you don't understand me. I said, if, as you said before, you have been in the army and don't consider you have been treated well, and according to your statement you have decided you would have nothing to do with the army, you were disgusted with the whole thing?

WITNESS: Absolutely.

NOS.: Now, if you have been disgusted with the army, it means that you could not have any sympathy for the Government?

WITNESS: No, did not have before, either.

NOS.: NOW, WHY DID YOU GO INTO THE DEPARTMENT OF JUSTICE?

WITNESS: I HAD A TALK WITH NUORTEVA.

NOS.: HE DID NOT ADVISE YOU TO ENTER?

WITNESS: NUORTEVA STATED "YOU MIGHT TRY, IT WON'T HURT," ON THE 3rd of Aug.

NOS.: Comrade, have you ever been a Socialist?

WITNESS: Yes sir.

NOS.: Do you consider yourself a Socialist?

WITNESS: Yes sir. Well, being ashamed to be a Socialist, at the same time I was in the Government. They told me to join the Communist Party, the Socialist Party, and everywhere, and I was ashamed to do so, while I was in the Department of Justice.

NOS.: Now, answer me, Comrade, sincerely, if there was not Nuorteva or anyone else that you knew as a good Socialist, when the Colonel came to see you with that proposition to become a member of the Department of Justice, would you, comrade, by yourself, without consulting anybody, become a member of the Department of Justice?

WITNESS: Well, I can prove it. When I went the first days that I was in Brooklyn, I tried to join the Socialist Party before I ever saw that man, but they did not have any meeting. It can be proven.

NOS.: It is a supposition. When the Colonel came to you with the proposition to become a member of the D. J.—you wanted to become a member of the D. J.—you wanted to become a Socialist—AND IF YOU

WENT TO NUORTEVA—AND DID NOT FIND HIM HOME, WOULD YOU HAVE GIVEN CONSENT WITHOUT SEEING HIM?

WITNESS: No sir.

WITNESS: We will be short. Like man to man, tell me, if Nuorteva would not have told you anything, you would not enter the service?

WITNESS: NO SIR.

NOS.: Comrade, you have been in the employ since August 4th till November 24th?

WITNESS: Yes sir.

NOS.: As you stated before, you were supposed, as every agent is supposed to do, to write report daily?

NOS.: So, it means that since August 4th, August, September, October, November,—4 months, you have written Comrade Peterson, at least 100 reports?

WITNESS: 120. Every day one.

NOS.: Every day, Sunday included, you have written 120 reports. Tell me one thing. I am interested how is the work going on the Dept. of Justice. There, as I understand, each man should start perhaps with 4, 5, 6 dollars and go as high as 12 dollars a day. By what reason is that?

WITNESS: If the man is considered important, he gets more.

NOS.: You mentioned some one by the name of Tucker. Who is he?

WITNESS: Chief Supervising Radical Activities Division in New York.

NOS.: What is your personal opinion about Scully? Is he a fool or intelligent?

WITNESS: I can't judge a man, but I think that any here can get lots of information from him when he meets him.

NOS.: Who raises salaries? Washington or New York?

WITNESS: It is Tucker here who raises salaries in New York.

NOS.: Without consulting Washington?

WITNESS: Yes sir.

NOS.: Who receives your reports?

WITNESS: Scully, Lamb, maybe Attorney General, too.

NOS.: I will take into consideration the fact what you stated about Scully and Flynn—he is considered a good detective—when he came from Washington once he called you to the office, he consulted you?

WITNESS: Yes sir.

NOS.: What reason did he have?

WITNESS: Because I was the only man who was figured to be attached with Nuorteva, and he was considered the head-guy doing that propaganda.

NOS.: That gives, don't you see Comrade Peterson, that gives the impression that Flynn who is considered expert, did read your reports?

WITNESS: Of course, he had read them. I had to make a special report, when I had to see State Secretary, and then that trip of mine was postponed. I don't know for what reason, and I gave the report to Frank Burke. He is Director of the Department of Justice Bureau.

NOS.: And who is Flynn?

WITNESS: Flynn is chief.

NOS.: DID YOU SHOW THIS REPORT TO NUORTEVA?

WITNESS: WE WROTE THE REPORT TOGETHER WITH NUORTEVA.

NOS.: When was that?

WITNESS: I don't remember.

NOS.: Approximately when was that?

WITNESS: It was some time latter part of October.

NOS.: Comrade Peterson, can you explain why is it that this report has been prepared by Nuorteva and you, and the rest of the 120 reports have been prepared by yourself only?

WITNESS: SAY, I NEVER GAVE ANYTHING THAT I CANNOT MAKE PUBLIC. I NEVER GAVE ANYTHING EXCEPT WHAT I SPOKE ABOUT WITH NUORTEVA.

NOS: The D. J. is quite considerable organization. They have men in every movement in general. I would take the responsibility upon myself and say that suppose they perhaps have men in every branch or the Communist and Socialist Party, etc. That is my opinion, I have no facts. Do you think that a man could be in the employ of such and old member as Flynn and fool him all the time? Writing fake reports without uncovering himself as a faker?

WITNESS: NOS: But you could not do it yourself. Only with the assistance of Nuorteva?

WITNESS: Yes sir. NOS: Did the chiefs of the Department of Justice ever make any attempts to check up your reports, if they were correct?

WITNESS: I believe they have done it. NOS: And there can be no question that they have done it in the beginning of your service, because they wanted to know how good a man you were and how correct is your information. Do you think they checked you up?

WITNESS: They had a man for two months living with me who drew a high salary for working on me to find out if my reports were true and he was even living in the same house.

NOS: Well, that means that from the beginning of your services they did not have the slightest confidence in you?

WITNESS: I can't say that, but at the same time they may have found out that I always gave them straight dope. NUORTEVA TOLD ME THIS AND THAT IT WAS CORRECT.

NOS: Did you yourself see he was watching you?

WITNESS: Yes. His name is D. Misner, the man who got Smith and Caplan for 20 years. They thought that through me they could get those Finns and especially Mr. Nuorteva could be gotten. That means they suspected that I did not give the dope I know.

NOS: This man has been living with you for two months. Has this man been instructed by the Department of Justice to watch you and see whom you have connections with?

WITNESS: I believe so. Once I went to his trunk and read his statement regarding all anarchists in New York, and there were all the names up to 1917. And as soon as I found out that I went to Nuorteva and told him to tell those Finns. There were only Mr. Nicola and Wilson and one girl who he thought was private secretary to one of the Finns and could get information.

NOS: When did you find out this man was also of the Department of Justice?

WITNESS: 7 weeks ago. I then lived at 147 E.

NOS: Now Comrade, how did this man come to live with you?

WITNESS: I knew the man in El Paso, when we were in the army. When I had been about two weeks in New York, about August 7, I was called—at that time I did not go to the Department of Justice. They kept me first under cover, but later they got too busy and would not come to meet me in town, so I came to the office. I had to see Mr. Offley, chief before Scully, I met him in the Hotel Pennsylvania lobby, and when he left, they made up, those men met me, they came and shook hands with me and I took him home. They rented for me an apartment with three rooms, and he made inquiry whether he could not get one room. For economical reasons I took him in. And only 7 weeks ago I found out he himself was also a member of the D. J. Then I moved out.

By the way, in his reports, he always keeps copies—he

was telling all sorts of lies about me, that I am not reliable, that I don't let the D. J. know the right informations.

NOS: Take into consideration, a week before you entered the D. J. you met Offley, about August 7th, you said you made an appointment in Hotel Pennsylvania lobby. Did Flynn meet you?

WITNESS: Yes, he spoke to me.

NOS: Then he left you and then your friend from El Paso approached you and you shook hands with him. How did it happen that the man came in?

WITNESS: I MADE UP MY MIND THAT THE WHOLE SCHEME WAS SO THEY HAD TO HAVE SOMEONE WATCH ME AND THEY MADE IT THAT WAY.

NOS: Are you sure, are you convinced that this man had been sent by Offley, are you sure?

WITNESS: As sure as he was sent after Smith and Caplan, after he stayed with Emma Goldman and she treated him like a mother.

NOS: He lived with you two months before you found out he was of the D. J.?

WITNESS: Yes.

NOS: How did you take him into the house?

WITNESS: I knew him in El Paso.

NOS: The fact you have taken him into the house shows you were friendly with him, and during those two months you did not suspect him of being a spy? No.

NOS: There is a possibility you have been telling him different things?

WITNESS: No.

NOS: When he was in your home?

WITNESS: He spoke of his swell position as representing Suzuki & Co. at Seattle. He told me he could get me a position.

NOS: This man came to your house as a member of the Dept. of Justice, this man has been probably instructed to watch you. This is a fact which has been established by yourself. It means that two months this man was fishing from you, two months he was doing a great deal, living in your house, telling them you were not reliable.

WITNESS: Yes.

NOS: You did not suspect him of being a spy?

WITNESS: No sir.

NOS: Do you think it was possible that while he was talking to you, while he was in your house watching you that he got something real on you?

WITNESS: No, never.

NOS: Did he know that you were meeting Nuorteva?

WITNESS: Yes.

NOS: Did you report every time to the Department of Justice every time you met Nuorteva? How did you report verbally or by mail?

WITNESS: Yes, mostly by mail and sometimes when I went to the office I handed them personally.

NOS: How did you address them?

WITNESS: I addressed them to Charles J. Scully, Box 241, City Hall P. O.

STATION. (Asked to show how addressed, he shows it.

"Would you mind giving a sample how you wrote it. I'll destroy it in your presence."

NOS: Can you give your word of honor that every report sent nobody else has ever written the address on the envelope?

WITNESS: No sir.

CHAIRMAN: No.

NOSOVITZKY: When was it if ever, that Nuorteva said to you or anyone else THAT HE WOULD GIVE A THOUSAND DOLLARS TO GET THE GOODS ON FRAINA?

WITNESS: No sir, never.

NOS.: Did you say to anybody that Nuorteva offered you a thousand dollars?

WITNESS: No sir.

NOS.: You never said that? You have been arrested and kept in jail?

WITNESS: For six nights.

NOS.: You have been followed on the day of November 16th by two members of the D. J.

WITNESS: How could I be followed? I was arrested.

NOS.: When you were on your way home did you notice they followed you?

WITNESS: One man followed me and when I walked out of the house, two men came on both sides and arrested me.

NOS.: You did not try to get away from him?

WITNESS: I took the straight way home.

NOS.: You had those reports with you. You stated that someone was following you and you did not try to get away?

WITNESS: Well, if they have instructions.

NOS.: When you went into your house with those reports do you think those men outside were instructed to have you arrested?

WITNESS: I believe so.

NOS.: From Washington?

WITNESS: No, it must have Lamb or Scully. They knew I took it.

I believe it was this way. The girl was called into Scully's room. They left me in the room for half an hour and they must have had some way of watching what I was doing there.

WITNESS: Answer one question. Why did not those two men who were sent out after you and were watching you, why did they not grab you right on the street?

WITNESS: I don't know.

NOS.: If those men were instructed to have you arrested, were they so foolish to let you go home and destroy them?

WITNESS: May be.

NOS.: They grabbed you outside. What precautions have you taken to avoid these two men who were waiting for you?

WITNESS: I stayed home one and a half hours, and in cold weather I thought they would not be there.

NOS.: Did you send out your wife to see?

WITNESS: No, I would not trust anybody. I had the papers in my pocket.

NOS.: When you were arrested where were you taken?

WITNESS: First to the D. of J.

NOS.: What did they do to you?

WITNESS: Scully came with me and they went to the 68th street jail. They put me in a private cell, without registering me and told the guard that it was alright, they would come next morning.

NOS.: Have they shown you a warrant?

WITNESS: No.

NOS.: Did not you ask if they had one?

WITNESS: I knew I was guilty.

NOS.: Do you know many cases where a person goes to jail and is not registered?

WITNESS: No, I don't know. I was never arrested, except in the army.

NOS.: Was there any man that had any paper to deliver to the warden?

WITNESS: No.

NOS.: If anybody wants to find out if you were arrested, there is no way to find it out?

WITNESS: Why not, go to Scully and ask him, ask Lamb and Tucker and Anderson. If you try hard maybe they will tell you.

NOS.: What reason have you to believe that you can get those papers from the D. J.

WITNESS: It will take time. It will take a little time.

NOS.: What was your pay in the D. of J.?

WITNESS: It was \$5, \$6, and \$7 a day.

NOS.: After you left the army you were not working for a long while.

Judging from your appearance you are not a poor man.

WITNESS: When I got out of the army June 17th I had \$310.

NOS.: Since August 3rd you were working for the D. J. till Nov. 24th. WHEN DID YOU GET MONEY FROM NUORTEVA?

WITNESS: The day I went out of jail and asked him, not the money, but if he had any friends outside of New York where he could recommend me to get any kind of a job. And he gave me then \$100.

NOS.: And no more?

WITNESS: And then when I told him about my troubles he gave me \$20 and then a day after yesterday \$40.

D. J. I only had 15 cents in my pocket and my wife had \$3.

WITNESS: How did you get your pay, was it ever behind?

WITNESS: First I got it regularly, first on the 16th I used to get it. Then in October they did not pay regularly and I had to resign twice. I got not my pay but emergency checks signed by Scully. I got it some time in October.

NOS.: You have been a special employee?

WITNESS: Yes, I signed my name Ferdinand Peterson, special employee of the D. J.

NOS.: Do you have a job?

WITNESS: No.

NOS.: What is a special investigator?

WITNESS: One grade higher up.

NOS.: Who are special agents?

WITNESS: A special agent is still higher up. They do the arresting.

NOS.: They are higher men. Still you maintain right along that it was your duty to report every day between 10:30 and 12 o'clock to the D. J.?

WITNESS: I did not report every day, but when I went it was between 8:30 and 12 o'clock.

NOS.: Did they warn you to be careful?

WITNESS: Yes, this is the main thing.

NOS.: You have seen checks made to Fraina?

WITNESS: Yes.

NOS.: Have you ever seen your own checks?

WITNESS: Yes sir.

NOS.: How many did you receive?

WITNESS: Two emergency checks, and six checks, and expense money checks—I don't know how many.

NOS.: What do you know about Blackwood?

WITNESS: I don't know about him. I was curious to know who he was and Scully told me he was with Rockefeller and those millionaires.

NOS.: Do you know the methods employed by Blackwood? How do they combat Bolshevism? They hire a man who is supposed to be one of their men working in the party already and then they offer him

something gold or something else, and then when they get the information they turn in the man after they get the information.

WITNESS: I got the names of Haaff, Prof. of German and Russian languages in Seattle. I was supposed to bring him to Mr. Nuorteva and introduce him as a good friend of mine, so he could get in touch.

NOS: Did you ever hear that private organizations are sending in their men to develop friendship among the leaders or members of the rank and file in the revolutionary organizations and then by some methods cast suspicion on the most active members of the movement?

WITNESS: Yes, I know it absolutely. That was in New Orleans, William Burns one private detective...

NOS: Do you remember when you said in answer to a question of this Comrade, when you said to Scully about Fraina being suspected by Nuorteva, he told you, according to your statement, "Alright, let him suspect?"

WITNESS: Yes, I drove it.

NOS: And then at once you told when they caught you they said you should be careful and not tell anything, that they are going to blame you if Fraina is uncovered?

WITNESS: NO, I HAVE NOT SAID SO.

NOS: Did Scully ever tell you—"Let Nuorteva think that he, Fraina, is a spy?"

WITNESS: Yes.

NOS: How is it that you, a special employee, who is considered a stool pigeon, not essential at all, how is it that you had entrance to the files, that the girl in charge of the files—for mind you, only trusted people are in charge of the files—that the girl had allowed you to look at the files and showed you checks, that the girl told you about this. You told us that you were suspected from the beginning, that you were not known and that you told Scully Nuorteva suspects Fraina of being a spy, he said, let him suspect and then....

Interruption (This is not a question but a lecture.)

NOS: COULD A MAN NOT TRUSTED HAVE ACCESS TO THE FILES?

WITNESS: I was not the only man who got hold of the files. Others have done it. I know Anderson has done it.

NOS: Who is Anderson?

WITNESS: He is a special agent.

NOS: You were watched outside and not inside the D. J. How is that?

WITNESS: This is the way I had done it with the girl. I sneaked in when Scully was not in the room and got it from the girl.

NOS: Does he girl know your name?

WITNESS: Yes. She was fired together with me between last Tuesday and Thursday. The files were taken out of that room.

NOS: Did you ever come to the D. J. and say to anyone that Nuorteva offered you a job?

WITNESS: No, I did not.

NOS: Did the Colonel come to your house and offer you a job?

WITNESS: Yes.

HOUDIN: Have you any animosity towards Fraina?

WITNESS: Never have known him or heard of him.

HOUDIN: What is your opinion in regard to the split? If you know about it?

WITNESS: No, I have no opinion. When I was in the army I have heard nothing about Socialism. When I came back from the army I went to the Ravi bookstore and bought a lot of literature and got an idea about it. But I did not know how the movement split.

HOUDIN: Do you know how many parties there are now?

WITNESS: Communist Party, Socialist Party, Communist Labor Party.

HOUDIN: Do you belong to any?

WITNESS: No.

WITNESS: Which would you join?

WITNESS: The Socialist Party because you don't get accused a split?

WITNESS: I am as radical as anyone. Any time the forces are split it does bad, but the best elements always bring the movement ahead. I remember the Finnish Party split into yellows and radicals. I was with the yellows. But now I think the radicals were right.

HOUDIN: Consequently, you would have no bad feelings against any one for splitting the party?

WITNESS: No.

HOUDIN: You have no special reason to hate any one?

WITNESS: No.

HOUDIN: Can you remember what day of the week November 3rd fell on?

WITNESS: Well, I can't tell you that. I never marked in my reports any days, but dates.

HOUDIN: Of course, sometimes you can't remember a day of the week, but what day of the week were you arrested?

WITNESS: Tuesday or Wednesday, I don't remember.

HOUDIN: What day of the week was September 7th.

WITNESS: It must have been... I don't remember.

September was Pershing Day. It must have been a week day. September 10th was Tuesday then the 7th was on Sunday.

HOUDIN: On Sunday you are home?

WITNESS: No. They work until 2 o'clock Sundays in the office; not all of them, not the girls, but the men do—Davis, Scully, Rice.

HOUDIN: You say the last time you saw Fraina was on November 3rd? WITNESS: Yes.

HOUDIN: I think that if you tax your memory you could—I am under impression that you as a comrade want to help us.

WITNESS: Yes sir.

HOUDIN: Perhaps you could do better than what you did when you said you saw him between October 1st and October 15th. You might say it was nearer the 1st or the 15th?

WITNESS: I was thinking of it last night but could not recall.

HOUDIN: How long before that did you see him the second time?

WITNESS: Two or three weeks before the 3rd time.

HOUDIN: Where were you on November 17th?

WITNESS: I was in jail, and part of the night....

HOUDIN: When were you taken to jail?

WITNESS: On the 16th.

HOUDIN: On the 17th you were in jail. Where were you on the 15th?

WITNESS: On the 15th I was in the Department of Justice. I have met Nuorteva at his home.

HOUDIN: What time?

WITNESS: On the night of the 15th.

HOUDIN: Where were you on the afternoon of the 15th?

WITNESS: First I went to the office.

HOUDIN: At what time did you go to the office?

WITNESS: Before or after 12 o'clock.

HOUDIN: What did you do in the morning?

WITNESS: I have been in the Department of Justice, just talking

with the guys there. I kept acquaintance with the girl, so I could talk with her.

HOUDIN: Do you remember whom else you saw on that day of the 15th?

WITNESS: Whom did I see?

HOUDIN: Whom did you see on the 15th?

WITNESS: I must have seen those who were in the D. J. Scouly,

Tucker, and Rice and the girl.

HOUDIN: The first time you saw Fraina when was it?

WITNESS: September 7th

HOUDIN: And the second time you saw between the 1st and the

15th of October, can you make it more definitely?

WITNESS: No, I can't. I have nothing in the papers to go by.

But if you can tell me when this first raid was made on the Russian

Union Workers.

HOUDIN: When you compared the signatures of the report of

Fraina and the signatures on the vouchers and checks you saw a strong

resemblance on all of these documents?

WITNESS: I did not see it in the vouchers, only on the checks

and the report.

HOUDIN: Was the signature smaller or was it the same?

WITNESS: I would say it was the same.

HOUDIN: It was signed Louis Fraina?

WITNESS: Yes.

HOUDIN: Did you frequent the Pennsylvania Hotel?

WITNESS: I WENT THERE 5, 6 DAYS, THEN THEY GAVE ME TO

INSTRUCTIONS, I WAS UNDER COVER, AND THEY TOLD ME TO

COME TO THE D. J. After that I came to the Department of Justice.

HOUDIN: WOULD IT BE CORRECT TO SAY THAT THE PENN-

SYLVANIA HOTEL WAS THE HEADQUARTERS FOR THE D. J.?

WITNESS: IT MIGHT HAVE BEEN, BUT FOR THE SIMPLE

REASON THAT SO MANY PEOPLE COME AND GO THERE. Once

I had to go to the Grand Central Station, on the upper floor, close to

the information window.

HOUDIN: DID YOU NOTICE ANY FAMILIARITY BETWEEN THE

D. J. MEN AND THE EMPLOYEES OF THE HOTEL, THE HOUSE

DETECTIVES?

WITNESS: I don't know anybody there.

HOUDIN: DID YOU EVER NOTICE ANY FAMILIARITY WHILE

YOU WERE THERE? I WENT THERE AND THE MAN CAME TO ME AT

ONCE.

HOUDIN: WERE YOU SUPPOSED TO GET INFORMATION

ABOUT ANYONE ELSE EXCEPT NUORTEVA?

WITNESS: On Ludwig Lore, he is editor of the New York "Volk-

zeitung"—he is one of the men I was supposed to go after. I made

the expenses, said I went there but could not see him.

HOUDIN: AND THAT IS HOW YOU MADE THE MEMORANDUM?

WITNESS: YES.

HOUDIN: The papers which you have abstracted from the files, what was really your intention with regard to the papers?

WITNESS: To bring them to Nuorteva and take the photo and bring them back.

HOUDIN: When you got to your home, you read them hastily. Can you remember anything else except what you told us?

WITNESS: No, there was a Mrs. Cub talking to my wife. I had to talk to them and did not have any time to.

HOUDIN: Did you visit any political meetings?

WITNESS: I visited only one meeting, when Foster was talking

at the steel strike meeting, and I came too late, and this is the only political meeting.

HOUDIN: DID YOU EVER SEE THIS MAN AT ANY MEETING YOU WENT TO?

WITNESS: NO.

HOUDIN: You never went to any meetings? Since when are you in New York?

WITNESS: Since July 26th I have been in New York.

HOUDIN: How long have you been in the country?

WITNESS: For five years, but I have been on the West Coast.

WITNESS: Did you live in Boston or in St. Paul?

WITNESS: No, I was in St. John's, Ontario, then in Raymond,

Washington, Aberdeen, Astoria, Port Angeles, then I went back to Astoria, and from there I was taken to the army.

HOUDIN: When you saw Fraina for the first time did he make a strong impression on you?

WITNESS: Yes, I had a good look at him.

HOUDIN: Did you see him with his hat on that first time?

WITNESS: Yes, but the third time he was finishing talking with the man, and he was putting on his hat.

HOUDIN: You could not mistake his features or his hair?

WITNESS: No. His hair was like mine, combed back, parted a little bit.

HOUDIN: Were you ever followed from the D. J. office prior to the time you abstracted the papers?

WITNESS: Well, I don't know, but at the time I went to Nuorteva at the office we were both followed, and we parted at 42nd street. I don't know whom they followed after that.

HOUDIN: When you said someone higher up gave instructions to follow you, how did you know it?

WITNESS: Scully said Flynn wanted to see me and then of course, it was hard for them to read all my reports, so they wanted me to write a short report about what I believed was true about the money and the guys helping them, as Julius Magne, he was supposed to be the head of all the bankers. Nuorteva said he did not know Julius Magne, maybe Judah Magnes. NUORTEVA GAVE ME SOME PAPERS MARTENS GAVE LATER TO THE LUSK COMMITTEE. THAT MADE MY POSITION STRONGER. They thought Nuorteva gave me the straight dope.

HOUDIN: Will you be kind enough to tell us how you got to police headquarters after being examined by Scully?

WITNESS: He took me there himself. "Let us have a nice little ride," he said. We went from the Park Place Station or Brooklyn Bridge Subway. I don't know if it was a Bronx car or not. We got off at 66th street—we have first changed for local at Times Square.

HOUDIN: 66th street near where?

WITNESS: Three blocks from where I live. I live at 24 W. 66th St.

HOUDIN: What description did Tucker give you of Fraina?

WITNESS: He told me that the man was a short fellow, and same type as mine—he meant his build. Dark hair, and he said he was stylish dressed, and he said he had a hatched face.

HOUDIN: Did you know what that is?

WITNESS: I figured—broader here and sharper there (showing first forehead and then chin).

HOUDIN: How long is it since you saw that girl in the office?

WITNESS: Tuesday.

HOUDIN: Why did you go there?

WITNESS: They told me go and asked me questions.

HOUDIN: On all three occasions you saw Fraina was he dressed alike?

WITNESS: Yes sir.
HOUDIN: You said last time you saw Fraina it was November 3rd, then you corrected yourself once before and said it was November 15th?

WITNESS: Maybe I have said it.

HOUDIN: Now which is it—November 15th or 3rd?

WITNESS: I could not see him on the 15th. I saw him on the 3rd.

If I had made a mistake it was in connection with the reports.

HOUDIN: Then you are positive that the last time was November 3rd?

WITNESS: Yes, positive.

HOUDIN: When you said November 15th it was about the check business. There was one check dated November 15th.

CHAIRMAN: In your original statement you said that you met him on Nov. 3rd, when examined by that gentleman you said you met him on Nov. 15th. You then took out some paper on which there was Fraina's name.

WITNESS: Yes, it was Nov. 3rd. I looked at the paper.

CHAIRMAN: Why do you think when the official told you first to let Nuorteva think that Fraina was in their employ, what do you think he thought first?

WITNESS: He thought first I would not tell him and if I did they will jump on him.

CHAIRMAN: DO YOU THINK IT IS POSSIBLE THAT THE D. J. GOT A MAN AND HAVE HIM CALL HIMSELF LOUIS FRAINA AND HAVE IT SO ARRANGED THAT YOU MET HIM. DO YOU THINK THAT IS POSSIBLE?

WITNESS: Well, in the first place if I were to say yes, it would mean I would like to get out of this mess. Yes, it may be so. But how do you explain that I was fired and put in jail?

CHAIRMAN: I can't explain that. But I ask is it possible that the D. J. got a man who looked somewhat like Fraina and arranged for you to meet him? WITNESS: I was supposed to take the poison and get the papers from Nuorteva.

CHAIRMAN: What poison?

WITNESS: One that would be good for just 2-3 hours.

CHAIRMAN: You are sure then that the first time you saw him it was September 7th, the second time between October 1st and 15th and that third time you saw him was November 3rd.

FRAINA: Did you recognize this man Fraina when you first met him on September 7th?

WITNESS: Well, I believe it was the same man I met.

FRAINA: You THOUGHT HE WAS FRAINA BY THE WAY HE LOOKED. HIS GENERAL APPEARANCE GAVE YOU THAT IMPRESSION:

WITNESS: YES.

FRAINA: DID YOU NOT SAY THAT YOU NEVER MET HIM OR SAW HIM THEN HOW COULD YOU KNOW IT WAS HE?

WITNESS: I HAVE BEEN TALKING ABOUT THIS QUESTION WITH MR. DAVIS AND SCULLY, AND THE WAY I EXPLAINED THIS—I TOLD HIM I SUSPECTED A RUMOR AND TOLD NUORTEVA, HE SAID IT WAS NOT SO. I THOUGHT IT WAS INTERESTING TO KNOW—A MAN WHO TALKS SO MUCH ABOUT SOCIALISM.

FRAINA: YOU RECOGNIZED FRAINA BY THE DESCRIPTION GIVEN BY THE D. J.?

WITNESS: Yes.

FRAINA: AND WHAT ATTRACTED YOUR ATTENTION WAS THAT

WITNESS: Yes.

NUORTEVA: Comrade Peterson, I want you to state exactly just in what words I receive your report on your first or rather second visit to the office (you came the first time for some Finnish address). You made a statement that I told you to go ahead and try, is it not a fact that I expressly told you that I refuse to take the responsibility for your taking or leaving the job?

WITNESS: Before Mr. Nuorteva did not tell me to go ahead, he said—"Use your own judgement.

NUORTEVA: You may have gotten the impression that I wanted you to get information?

WITNESS: No sir.

NUORTEVA: The way it was written down, it may have given the impression. The question of writing in the report what I told you, was it not too definite a statement? Did I ever tell you—go and write such and such a report?

WITNESS: No.

NUORTEVA: Did I tell you to tell them this thing or another?

WITNESS: No.

NUORTEVA: DID I EVER WRITE A REPORT FOR YOU?

WITNESS: WELL, THE STATEMENT I COPIED.

NUORTEVA: THIS WAS A QUESTION OF FILLING OUT ANSWERS CONCERNING FACTS KNOWN IN THE PRESS, STATED THERE OVER AND OVER AGAIN, CONTAINING NOTHING BUT GENERAL INFORMATION TO THE PUBLIC?

WITNESS: Yes sir.

NUORTEVA: When was the last time you were at the D. J.?

WITNESS: Last Friday.

NUORTEVA: Did you see Scully this week?

WITNESS: No, he was one day out and I could not see him.

NUORTEVA: Were you there yesterday?

WITNESS: Yes sir, I went there yesterday.

NUORTEVA: Did they promise to pay your salary?

WITNESS: Yes sir.

NUORTEVA: When did they say they would?

WITNESS: It might come after or before Christmas.

NUORTEVA: If they did not pay the salary in time, would you be ready to start legal action against them?

WITNESS: You have all you could get from me and you know what you can do with me.

NUORTEVA: You are mistaken in regard to this.

NUORTEVA: Are you still convinced that the man you saw here is the man whom you saw in the Department of Justice?

WITNESS: Well, if a man is fired, and they come to my wife and tell her she will be cared for, and if I come here

NUORTEVA: I want to say there is no desire on the part of anybody else to get you into trouble, is there any possibility of getting more information about the Department of Justice that you know? YOU TOLD ME THAT YOU COULD GET SOMETHING OUT OF SCULLY OR ANDERSON?

WITNESS: There is only one man that can get it—it is myself. I don't trust anybody else. When I get it I shall show it in a public paper. I will prove what I have said.

WEINSTEIN: I want to ask 2-3 questions.

WEINSTEIN: Do you insist that the man you identified here as Louis Fraina was that man whom you saw in the D. J. and whom you thought it was Fraina?

WITNESS: Yes sir.

WEINSTEIN: You have no doubt about?

WITNESS: Even if his appearance has changed, he looks like the man I saw.

WEINSTEIN: You saw the signatures of Louis Fraina on the checks and reports, could you show us this signature just how it looks?

WITNESS: (shows)

WEINSTEIN: Have you ever revealed to Nuorteva any agents of the Department of Justice?

WITNESS: Yes sir.

WITNESS: Can you tell us their names?

WITNESS: Yes. Mr. Bartram. I don't remember his first name. Then I re-treated Marnel, Nelson, Anderson, told about Haaf who was supposed to come from Washington, then Donald Miserne, who is using the name of W. B. Rees.

WEINSTEIN: For what purpose did you that?

WITNESS: I thought it might be good for him to know what men they have. Marnel, whom I was to take to Nuorteva's office and introduce later, but I did not do it. They told me to ask for a job. After I told them it was impossible, they thought someone else might do it.

NUORTTEVA: Did you ever introduce me to any man?

WITNESS: No. I don't remember ever.

WEINSTEIN: Did you ever reveal to Nuorteva that certain agents were sent to watch the house?

WITNESS: I brought one man once and showed that man to Miss Keen. He was still watching them.

WEINSTEIN: Are you still going to the Department of Justice?

WITNESS: No, never again.

WEINSTEIN: Are you going there of your own will or are you called?

WITNESS: I am looking for my pay. Last time they told me they were going to call me up when my pay is ready.

WEINSTEIN: What is the attitude of the people in the D. of J. to you?

WITNESS: WHEN I ASKED THEM FOR A REFERENCE FOR A JOB, they said: How dare you to ask even?

NOSEVITZKY: Comrade Peterson, you made a statement and I wrote it down: "When I was in the army I did not know anything about Socialism, when I came from the army I went to buy literature,"

I want to know

WITNESS: 4 years before I went to the army. I was manager editor of the "Tobay," I WROTE EVERY DAY ARTICLES IN THE PAPER FROM THE BRANCH OFFICE. I WAS MANAGER OF THE BUSINESS AND STORE.

NOS.: Where is the branch office?

WITNESS: Aberdeen.

NOSEVITZKY: When did you see Nuorteva first time?

WITNESS: In July or August I went to see a very dear friend from Astoria, Oregon—Mr. Bulman. He left Astoria the same day and told me he was going to Brooklyn, but they could not tell me the address, so one of those men was a Finn, and he told me Nuorteva could give me the address. I came and asked for the address.

NOS.: Did you tell him you were manager of that local paper? WITNESS: Mr. Nuorteva was just closing the office. I did tell him I was a manager of the local office afterwards, not that night.

NOS.: When was it?

WITNESS: After 3rd of August. Next time I went to see Nuorteva was when I went to his office that must have been August 3rd. I told Nuorteva all about my business.

NOS.: When did you tell him that?

WITNESS: August 2nd or 3rd, I WENT TO HIM IN REGARD TO THAT MATTER WHETHER TO GO TO THE D. of J.

NOS.: WHEN DID YOU ENTER THE SERVICE?

WITNESS: On August 4th.

NOS.: How long does it take to send a letter to Aberdeen, Wash.

and receive an answer?

WITNESS:

NOS.: There is Mr. Nicola here, an old Socialist Party member and reliable. He is in the Pulitzer Building. Why did you not go to him?

WITNESS: I did not know he was in New York.

NOS.: Have you any idea if Nuorteva knew on the 3rd of August if Nicola was in New York?

WITNESS: I did not ask about Nicola. I spoke also about Bowman (Bulman).

NOS.: YOU ARE QUITE SURE IT WAS ON THE 2nd OR 3rd OF AUGUST YOU WANTED TO KNOW WHETHER TO BECOME A MEMBER OF THE D. J.?

WITNESS: Yes.

NOS.: Comrade Nuorteva, you said you tried to find out who this man was and you found out he was the manager of that office. How did you get it from him or from Nicola?

NUORTTEVA: I recalled it when he said he was the manager of the paper.

NOS. (to Peterson): I ASKED YOU SEVERAL TIMES TO REPEAT IF YOU THOUGHT IF YOU WERE LEFT TO YOUR OWN

WAS NOT TAKEN DOWN BY THE STENOGRAPHER.

JUDGEMENT BEING ALONE, WOULD YOU HAVE ENTERED THE D. J., you said—no. WAS IT SO?

WITNESS: Yes sir.

NOS.: Now when I again ask in order to get a straight and definite answer, IF NUORTTEVA WAS NOT IN TOWN, WOULD YOU HAVE BECOME AN AGENT?

WITNESS: NO SIR.

NOS.: DO YOU RECALL MAKING A STATEMENT THAT NUORTEVA SAID—GO TO IT YOU MIGHT GET SOMETHING OUT OF IT?

WITNESS: I MIGHT HAVE SAID IT.

CHAIRMAN: You said that you saw Fraina on the 7th of Sept,

sometimes between the 1st and 15th of October and on November 3rd. As far as the last date is concerned you had a little note in which Fraina's name was entered under November 3rd, and that is how you remember it. As to the second you have no memo, no note about it?

WITNESS: No, but I remember.

CHAIRMAN: Only some recollection. Then you said as to Sept.

7th you are positive it was Sept. 7th, what makes you positive—have you any notes?

WITNESS: No, I have no notes, but when I go back to the notes that I had to meet Flynn on September 7th.

CHAIRMAN: How do you remember it was exactly September 7th?

WITNESS: I have it in my papers. Now I have to prepare my expense account. Sometimes when I start to write a report—I have to make it short—I leave these papers and take out of them small things. Then Pershing Day was September 10th, and going through facts which I cannot tell you, I know it.

CHAIRMAN: Have you got the notes that you can produce?

WITNESS: NO, YOU HAVE ENOUGH.

CHAIRMAN: You cannot show that memorandum about Sept. 7th?

WITNESS: No sir.

FRAINA'S STATEMENT

My statement will not consist at all of passing an opinion of the character or purpose of the charges, but the movement within the period covered by the charges. The informer states positively and repeatedly that he first met me

at the Department of Justice on September 7th. On September 7th the Communist Party Convention was in session, and I was present. It is impossible that this informer could have seen me, there, at the Dept. of Justice, or anywhere in New York during the months of September, because during that month I was in Chicago, having left New York City for Chicago during the latter part of August and having returned to New York either on September 30th or on the 1st of October. I arrived in New York City on October 7th; I was here on October 7th, attended a meeting of the Class Struggle Publication Society. On October 8th I went to attend the Jewish Convention in Philadelphia, returned to New York City, and then proceeded back to Chicago. I was in Chicago all of September except when I came to New York on September 20th to attend a membership meeting of the Communist Party in New York. I then returned back to Chicago, and was in Chicago until I came to New York either October 6th or 7th; attended a meeting of the "Class Struggle" on October 8th and the day before the Jewish Communist Federation Convention was held I left for Philadelphia. Spoke in the evening at a mass meeting; stopped at a hotel with Comrade Nick Hourwich in the same room. Spoke before the Jewish Convention the following evening, on the 10th of October; returned to New York on the evening of the 10th and either on Saturday or Sunday returned back to Chicago.

I was in Chicago until Saturday, November 1st when I came to New York, arriving here on the afternoon of November 2nd. I have been in New York from the afternoon of November 2nd until the afternoon of November 13th, when I departed for Chicago arriving there Friday afternoon, November 14th, and on November 15th I attended a meeting of the Central Executive Committee of the Communist Party in Chicago. I was in Chicago until November 22nd when I departed for Boston, in order to look over the status of my case in Lawrence. I arrived in Boston Sunday afternoon, November 23rd, was in Boston until Friday afternoon, November 28th.

I was in New York City September 20th to speak at a membership meeting of the Communist Party. I then received a telegram that my case was coming up in Lawrence on Tuesday. I departed for Boston arriving there Monday afternoon. Tuesday morning appeared in court at Salem where my case was postponed again and left for Chicago on Wednesday afternoon, arriving in Chicago on Thursday.

HOURWICH: You have stated here a number of dates—I suppose you can corroborate them by records of meetings and so on?

FRAINA: Yes, you can verify these dates as to the period I was in Chicago from the Secretary of the Communist Party as to my being in New York to speak at a membership meeting on September 20th; from my receiving a telegram to proceed to Boston to appear for trial in Salem on Tuesday—from my attorney in Boston, George E. Rower, Jr. As to my arrival in Chicago thereafter—from the national officials of the Communist Party in Chicago; as to the time I left Chicago for New York—from Comrade Ruthenberg. As to my being at the Central Executive Committee—from the National officials of the Communist Party.

I stated that when I arrived in New York City all that period until November 13th, except for November 8th, when I departed for Baltimore, arriving there Saturday afternoon, speaking at a mass meeting of the Communist Party and returned to New York Sunday, at the following afternoon.

HOURWICH: When did you leave again for Boston? On Nov. 13th?

FRAINA: I left for Chicago on the afternoon of November 13th. On the 14th I arrived in Chicago.

QUESTION: When was the session of the Executive Committee?

FRAINA: It actually took place in the evening of November 15th.

What this informer said about the clothes I am supposed to have worn there are plenty of comrades that will say I never wore such clothes at the time.

I think that the dates September 7th and November 15th are disposed of by the fact that I was in Chicago both dates. As to the report which is supposed to cover November 12, 13, 14, 15—the dates—the 14th and 15th are answered by the fact that on those two dates I was in Chicago, the date November 13th is answered by the fact that I was in New York City leaving for Chicago. In the afternoon of November 12th I was also in New York City which is proven by the fact that on the evening of November 13th I attended a Communist Party conference at which were present, among other comrades, Bittelman, Miss Pearl, Tywrowsky, Max Cohen and others whose names I can give.

You don't need me personally in order investigate and confirm the dates of my movement as all these dates can be covered and confirmed by the Communist Party.

WEINSTEIN: In connection with the dates 12th, 13th, 14th and 15th the informer said that the record covered Boston, Philadelphia and Washington D. C. On those dates you were or were you not in Philadelphia, Boston and Washington?

FRAINA: No, that question is covered by my previous answer that on November 14th and 15th I was in Chicago, which can be proven by the records of the Communist Party; that on November 12th and 13th it can be proven in New York City, also by official witness of the Communist Party, and therefore it would be impossible for me, unless I divided myself physically into two, to be at the same time in two places.

LOVESTONE: I was on the Organization Committee of Local New York. I sent a telegram to Fraina asking him to come to New York to speak, and on September 20th a similar telegram was sent to Ferguson and Ruthenberg. Fraina was the only one who came. I can prove the truth of his statement as to his travel to Philadelphia, and his presence at the "Class Struggle" meetings, because I was present at those "Class Struggle" meetings. Originally I was supposed to go to Philadelphia, but did not go since there was one English speaking comrade—Fraina. September 7th the Convention ended about 12:30. After lunch the Communist Convention held its last meeting. Comrade Fraina was present at that meeting. We stayed in Chicago all day September 7th, because about 9 o'clock we met in a restaurant in Chicago before I had left for New York. There are others who can prove this.

BITTELMAN: I can confirm the statement of Fraina that on October 9th and 10th Comrade Louis Fraina was in Philadelphia speaking first at a mass meeting, on the 9th and 10th, greeting the Convention of the Jewish Communist Federation. I can also confirm the statement that on November 12th he was present at the Conference of the Communist Party in New York City and that on November 14th and 15th he was in Chicago.

HOURWICH: What happened on the 11th, 12th and so on of October?

BITTELMAN: I left.

HOUDIN: What happened on the third of November?

FRAINA: I left Chicago on Saturday, November 1st, arrived in New York City, Sunday afternoon, November 2nd, and was in New York City from November 2nd till Saturday, November 8th, when I departed for Baltimore.

HOURWICH: When did you get up?

FRAINA: I slept all morning, which I usually do, as my wife will verify, or also Nicholas Hourwich can verify this. In other words I was at my own house on November 3rd and in the evening I proceeded down town to Communist Party Headquarters.

FRAINAS: I am pretty sure it was no earlier than 11 and no later than one o'clock.

HOURWICH: Where do you live?

FRAINAS: At 3246 Kingsbridge Avenue, 233rd St. and Broadway.

HOURWICH: You arrived in New York on November 2nd. Do you remember what you did after you arrived in the city?

FRAINAS: I telephoned my wife and went home. I was with her all afternoon, went out for a walk and came home.

HOURWICH: What did you do on November 4th?

FRAINAS: I can only make a general statement. My original plan was to rest but every evening I was in touch with party members. I found the whole party in a ferment—as to whether the demonstration would have been held on the 8th of November and I had to be up till 2-3 o'clock in the morning in conferences.

HOURWICH: Is there anything else anyone desires to say or ask?

HOUDIN: How many copies of this report shall be made?

(It was decided to have three copies made.)

STATEMENT OF THE CHAIRMAN OF THE MEETING.

After the testimony had all been taken, Comrade Fraina asked everyone present to state whether he thought that the matter had been sufficiently cleared up, so that he, Fraina, could leave for Moscow. All those present, with the exception of the chairman and Comrade Nuorteva answered "yes." The chairman answered "no." Comrade Weinstein reserved his opinion.

The chairman then said he wanted to explain why he had answered "no." He said that although there were contradictions in Petersons testimony which made it probable he was mistaken in his identification and that the man whom he had seen on all three occasions was another person than Fraina, nevertheless it was necessary to recall the witness and to confront him with Fraina's testimony before the matter could be considered fully cleared up. The chairman, therefore, thought that if Fraina were to consult him he would not advise him to leave until the matter was fully cleared up.

Comrade Weinstein then remarked that it was uncertain when the convention would take place and it was therefore not urgent for Comrade Fraina to leave immediately, and furthermore he thought that he were in Comrade Fraina's place he would not leave before the matter was fully cleared up.

The chairman thereupon suggested that another session should be held. Comrade Fraina expressed a desire that the session be held the next day so that he might immediately leave. But the chairman said that it might not be feasible to arrange for a session on such short notice. It was therefore agreed to meet on Tuesday evening.

This statement is made by the chairman because this conversation was not taken down by the stenographer.

